IMT Nuremberg Archives

H – 2786

International Court of Justice

H2786 - 0002

No. 100

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
1 October 1946 4:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

I. The Tribunal made the following decisions regarding the archives:

A. The archives will consist of:

1. a. The "master" copy of the final corrected transcript of the shorthand notes in each of the four languages certified by the General Secretary.

b. A copy of the uncorrected transcript of the shorthand notes in each of the four languages.

c. The electrical recording of the proceedings.

2. The four copies of the indictment actually lodged with the Tribunal in Berlin in October 1945.

3. The originals of the rules of procedure, written orders of the Tribunal, etc., in all four languages.

4. The original minutes of the closed sessions of the Tribunal.

5. Documentary and other exhibits, viz:

a. All original documents filed as exhibits with the Tribunal and not withdrawn in accordance with Rule 10.

b. Copies of all original documents filed as exhibits with the Tribunal and withdrawn in accordance with Rule 10.

c. Certified copies, or officially printed copies, of all documents "judicially noticed" by the Tribunal.

d. Material exhibits.

e. Films shown to the Tribunal.

f. Visual aids such as charts, etc., used by the Tribunal.

g. Transcript of the shorthand notes of the evidence heard before the Commission.

h. Affidavits presented to the Commission.

i. The summaries of witnesses heard before the Commission.

j. The summaries of affidavits presented to the Commission.

k. Lieutenant Colonel Neave's report on defense witnesses for the organizations.

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6. The signed judgment and sentences in each of the four languages.

II. The General Secretary will prepare and certify a schedule, to be preserved with the archives, of all the documentary and other exhibits included in the archives. This schedule will be sufficiently detailed to identify each document by reference to its title and, in appropriate cases, its exhibit and series number. In the cases of non-original documents, the schedule should, if possible, state where and in whose custody the originals are at the time of preparation of the schedule.

III. The archives shall be kept by the General Secretary so long as that office remains in existence and thereafter at The Permanent Court of International Justice of The Hague.

IV. Official representatives of the four signatory powers shall be permitted to copy by photostat, microfilm, or in any other way, any item included in the archives.

THE MEETING ADJOURNED AT 5:00 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0004

No. 99

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
29 September 1946 5:30 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

I. After receiving reports of Lieutenant Colonel L. D. Egbert, the Editor of the Record, and of Commander Steer, Head of the Translation Division, the Tribunal made the following decisions with respect to the printing of the record:

1. The Printed Record will be in all four languages with the exception of the documents or parts of documents referred to in Paragraphs 2 b and c below, which will be printed in their original language only.

2. In addition to the material agreed upon by the Tribunal on 4 May 1946, there shall be printed:

a. The corrected transcript of the shorthand notes.

b. The documents or parts of documents filed as exhibits with the Tribunal together with any additional parts of such documents recommended in accordance with the Tribunal's order of 30 May 1946 by the Prosecution and Defense Counsel and approved by the Editor. These documents consist of:

(1) Documents filed as exhibits with the Tribunal, the whole or parts of which were read into the record.

(2) Documents filed as exhibits with the Tribunal, which, when "cited", had not been translated and which, on or before 31 August, were translated in all four languages so as to make them admissible.

c. Documents which were "judicially noticed" by the Tribunal. This class of documents includes treaties, laws, official publications, books, magazines and newspapers of national circulation as well as the documents specified in Article 21.

d. (1) Final report on defense witnesses for organizations by Lieutenant Colonel Neave.

(2) Summaries of witnesses heard before the Commission.

(3) Summaries of affidavits presented to the Commission.

e. Photographs filed as exhibits.

f. Descriptions or photographs of material exhibits.

g. Copies of visual aids, such as charts, etc.

h. The judgment and sentences.

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3. a. The following number of volumes will be printed: 10,000 in English, 5,000 in French, 5,000 in Russian, and 5,000 in German.

b. The General Secretary, upon the completion of the printing of the record or parts thereof, shall notify the Control Council in Berlin and shall make distribution in accordance with its instructions.

4. With regard to the printing of the Russian editions, the Tribunal approves the following arrangements:

a. That the Tribunal pay all expenses of the printing of the Russian edition, with the exception of the salaries of Soviet employees, such as proof readers.

b. That the Office of Director of Printing supply all materials needed for the Russian edition.

c. That the printing and binding be done in Leipzig, because of the availability in the Russian Zone of Russian type and Russian employees.

d. That the Editor and Printer be responsible for the supervision of the publication of the Russian edition, as well as the English, French, and German editions.

5. In accordance with the request of the Editor that certain persons should assist him in the preparation of the Printed Record, the appointment of the following persons is approved:

a. Mr. Mercer of the Translation Division, representing the British Delegation;

b. Mr. Fuster, representing the French Delegation;

c. Major Poltorak, representing the Soviet Delegation;

d. Dr. Kraus, representing the Defense Counsel.

The above named persons will be responsible for finally corrected texts for publication in the languages which they represent. The Editor will assist them in every way possible to assure uniformity in the several texts.

6. The General Secretary shall remain in office in Nurnberg with an adequate staff until the record and printing thereof is complete.

7. The General Secretary shall make the necessary arrangements with the Control Council for the provision of funds to pay expenses of his office and the salaries of the personnel required for translation and other purposes incident to the printing of the record.

8. If the General Secretary has any questions in connection with the printing of the record upon which he requires a decision, these questions shall be referred to the Control Council.

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II. After hearing the views of the four Chief Prosecutors, the Tribunal reaffirmed Rule 10 of the rules of procedure relative to the withdrawal of documents and substitution of certified copies thereof. On receipt of applications from the Prosecution or Defense, the General Secretary is authorized to act on behalf of the Tribunal in "permitting" the withdrawal and substitution as laid down in Rule 10.

THE MEETING ADJOURNED AT 8:00 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0007

No. 98

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
30 August 1946 11:15 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

Judge Parker reported for the Committee appointed by the President on 14 August 1946 to consider derogatory letters and articles concerning the defense counsel. In view of his report, it was agreed that no further action was to be taken other than the announcement to be made by the President in open court.

THE TRIBUNAL ADJOURNED AT 12:00 AM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0008

No. 97

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
27 August 1946 5:15 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Letters to the Tribunal from correspondents and letter to the Tribunal from Public Relations Officer requesting information concerning final judgment:

The Tribunal made the following decisions:

If possible, the Court will adjourn Saturday, 31 August 1946.

The period of adjournment and the date of pronouncement of final judgment, which is tentatively set as 23 September 1946, will be announced in open court on date of adjournment. A commendation for the Prosecution and Defense lawyers, with emphasis on the Defense, will be made after the final pleas of the defendants.

Selected portions of the judgment will be read by members of the Tribunal, starting with the President, each in his national language. The sentences will be read by the President.

As the judgment will probably need a second day for delivery, summaries of the portion of the judgment to be read that day will be given out to the Press at the time the reading begins, however, this will not be announced.

The remainder of the questions will be answered at a later date.

2. Seating arrangement on final judgment:

The Tribunal approved the memorandum of the committee.

3. Request from Minister of Foreign Affairs of Imperial Ethiopian Government, Addis Abbaba, regarding the war crimes commission established in Ethiopia:

The Tribunal directed that the letter be acknowledged by the General Secretary saying that the letter was being turned over to the Chief Prosecutors.

4. Report on Attorney Babel, co-counsel for the SS, from the President of the County Court, Nurnberg-Furth:

The Tribunal decided that Dr. Babel is to be discharged, and in view of the circumstances, no further fees are to be paid to him in addition to those already paid. A letter is to be written the President of the County Court, Nurnberg-Furth, thanking him for his action in the matter.

THE MEETING ADJOURNED AT 6:30 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0009

No. 96

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
19 August 1946 2:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Request of Colonel Neave for termination of appointment:
Colonel Neave's request for termination of his appointments as Commissioner and with the General Secretary's Office, effective 26 August 1946, was approved by the Tribunal. Judge Birkett is to draft a letter of thanks and commendation to Colonel Neave, for the approval of the Tribunal.

2. Release to press of Colonel Neave's report on organizations:
The Tribunal gave their approval to the releasing of the report of the Commissions on Organizations to the press.

3. Request of Defense Counsel for Organizations for extension of time for preparation of final speeches:
The Tribunal decided that this matter was to be held over, and put on the agenda for the next meeting.

4. Request of Dr. Seidl, counsel for defendant Hess, for Dr. G. M. Gilbert as witness and document concerning ability and fitness to stand trial of defendant Hess:
An announcement is to be made in court on 20 August 1946 in regard to this matter, and the General Secretary was directed to arrange with Mr. Ansbacher the release of the sanity report on Hess to the press so that all correspondents will receive it at the same time.

5. Letter from Mr. Ansbacher in regard to security measures re sentence:
This letter is to be placed on the next agenda.

6. Request of Dr. Laternser, counsel for General Staff and OKW, to interrogate the witness Kesselring:
Granted.

7. Request of Dr. Stahmer, counsel for defendant Goering, for witnesses:
a. Goering
Granted.
b. Dr. Schroeder
Denied.

8. Request of Dr. Thoma, counsel for Rosenberg, for Rosenberg's Diary:
Granted.

9. Request of Dr. Servatius, counsel for Corps of Political Leaders, for document:
a. Order sheet of the Reich Directorate of the NSDAP, 1933/1935, Series 77, 4th year - Munich, beginning of August 1934.
Granted.

10. The Tribunal engaged in general discussion.

THE TRIBUNAL ADJOURNED AT 5:00 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 -0010

No. 95

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
14 August 1946 2:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Request of Dr. Seidl, counsel for defendant Hess, that Captain G. M. Gilbert, psychologist for the International Military Tribunal, be called as a witness to testify as to sanity of Hess:
   This request was held by the Tribunal for further consideration.

2. Request of General Secretary to amend Tribunal ruling of 1 December 1945 regarding custodian of fund established by the International Military Tribunal:
   The Tribunal revised the ruling to read as follows:

   "The General Secretary is hereby authorized and directed to draw on the Tribunal fund for the purpose of paying expenses of the Tribunal and the present trial, including such items as counsel fees and costs, and expenses incident to the printing of the record."

3. Request of General Secretary for authorization to employ Professor Herbert Kraus as Assistant to the Editor of the Record on behalf of the Defense Counsel:
   This request was approved by the Tribunal. The General Secretary is authorized to pay Dr. Kraus a salary of 3,500 RM per month.

4. Request by Dr. Servatius, counsel for the Corps of Political Leaders, for permission to submit affidavit by defendant Sauckel:
   Approved.

5. Request by counsels for the defense that the Tribunal give each counsel a statement at the closing of the proceedings to afford them legal protection:
   Before the Tribunal adjourns for the recess, a statement is to be made by the President, stating how much the Tribunal is indebted to both the Defense and the Prosecution, with special note being paid to the Defense. Judge Parker, M. Falco, and Colonel Volchkov are to study the question of the derogatory letters and articles concerning the defense counsel, and make recommendations to the Tribunal as to the treatment of the addressors.

6. Request from Dr. Servatius, Counsel for Political Leaders, for document:
   a. Extract from Leitz-Ordner "Geheime Staatspolizei" "Staatspolizeistelle Duesseldorf" IID 1936/41 Conditions of work for the Foreign Workers G 509.
      Approved.

7. Request of Dr. Pelckmann, counsel for SS, on results of hearing of witnesses on commission:
   The Tribunal decided that the following announcement would be made in open court:

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A request has been made to the Tribunal that the Report of Colonel Neave be made available to counsel for the SS. The Tribunal has requested Colonel Neave to prepare for its assistance summaries of the evidence of witnesses heard before the Commission and a report grouping the testimony of the witnesses before the Commission with respect to the points on which they have given evidence. These summaries and the report mentioned are not parts of the record and are not accorded any evidential value by the Tribunal, which has before it and will consider the transcript of the entire evidence before the Commission. Counsel for the Organizations may see them and may comment on them in their arguments within the time heretofore allowed; but the Tribunal will not grant any delay or any additional time for argument with regard to them.

8. Final statements of defendants:

The Tribunal decided that an announcement would be made in open court referring to the fact that the Tribunal has had information that long statements have been deposited in the Translation Division, quoting the ruling of 23 July 1946 emphasizing the words "few minutes", and saying that no translations will be made. The announcement is also to include that the defendants are to speak from the dock.

9. Request of Dr. Boehm, counsel of SA, for a separate defense for members of the Stahlhelm:

Rejected.

10. Request of Defense Counsel for separate legal argument by Dr. Klefisch:

Rejected. The Tribunal has received this argument and will consider it, but it will not be presented in open court.

11. The Tribunal engaged in general discussion.

THE TRIBUNAL ADJOURNED AT 5:00 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0012

No. 94

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
8 August 1946 2:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Request of General Secretary for decision on fee to be paid to counsel for the defense:

The Tribunal decided that each principal defense counsel for an individual defendant or organization would be paid at the rate of 3,500 RM per month, with the following provisions:

a. A counsel defending more than one defendant or organization be paid an added 50% per month for each defendant or organization defended over one.
b. Dr. Babel, if and when a satisfactory report is received from the Nurnberg Association of Attorneys, and Dr. Pelckmann, co-counsels for the SS each to be paid the full amount (decision of 26 January 1946).
c. Dr. Servatius, counsel for Sauckel and Political Leaders, to be paid the full amount from 1 June 1946 for both the defendant Sauckel and the Political Leaders (decision of 19 June 1946).
d. Payment is to cover period from date of entry on duty as defense counsel to date of delivery of judgment.

2. Request from the German Security Screening Office, Frankfurt, for the interrogation of defendant Frick:

Approved, providing normal security regulations are observed.

3. Request of the Soviet Prosecution for the Tribunal to authorize corrections in translation contained in Document USSR #93:

The Tribunal directed that this matter be referred to the General Secretary under the provisions of Paragraph 4 of the decision of the Tribunal dated 5 January 1946.

4. Request of Dr. Laternser, Counsel for the General Staff and OKW, for the court records of the criminal prosecution against General Dostler:

Denied.

5. Request of Dr. Dix for decision on necessary formalities required regarding a petition of review by the defense counsels:

Decision was made that the application would be taken into consideration for later action. Dr. Dix is to be notified that the Defense Counsel will be informed on this matter in due time.

6. Request of Commander Steer for information as to procedure of Tribunal during deliberation:

Lord Justice Lawrence will confer with Commander Steer, explaining to him the present difficulties of making any binding decision at this time.

7. Final statements by defendants:

The final statements of the defendants' are to be made from the dock, with the microphone being placed before each defendant as he speaks.

8. The Tribunal engaged in general discussion.

THE MEETING ADJOURNED AT 5:00 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0013

No. ~~92~~ 93

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
24 July 1946 5:20 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. The Tribunal discussed the procedure to be followed in court in the presentation of the cases for the organizations. It was decided that an order on this subject would be read in open court on Thursday, 25 July 1946.

2. The Tribunal engaged in a general discussion.

THE MEETING ADJOURNED AT 6:45 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0014

No. 92

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
20 July 1946 10:00 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. The Tribunal agreed to the request of the General Secretary that the final speech of Bormann would follow that of Seyss-Inquart and the discussion on the document books of the organizations, on Monday, 22 July 1946. The final speech of von Papen will follow that of Bormann.

2. Request for loan of films from Document Room:
This matter was left to the discretion of the General Secretary, who will loan only those films of which additional copies are available.

3. Request of Dr. Dix on behalf of defense counsels for allotment of time to the defense for final pleas:
Justice Lawrence and Judge Parker are to prepare a draft of an order to be read in open court.

4. Application of Dr. Boehm, counsel for the SA, for translation of certain pages of booklet "Theoretical basis for obtaining a Rider's Certificate":
Granted.

5. The Tribunal engaged in a general discussion.

THE MEETING ADJOURNED AT 1:00 PM

John E. Ray
JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0015

(Corrected copy)
No. 91

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
17 July 1946 2:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Lieutenant Colonel Neave made a short verbal report on the progress of the Commissions.

2. Dr. Babel, Co-counsel for the SS:

The reports of Dr. Babel dealing with the sums of money collected by Dr. Babel from members of the SS in various camps were received.

The Tribunal was informed that an enquiry by the Nurnberg Bar Council had already been instituted, and the General Secretary was instructed to write to the Bar Council asking them to proceed with the enquiry as soon as possible, and to send their conclusions to the Tribunal.

The General Secretary was instructed to inform Dr. Babel that in the meantime he should not expend any further monies from the sums collected.

A copy of the letter sent to the Bar Council is attached.

3. Request by Dr. Pelckmann, counsel for the SS, for document:

a. The following document if not already in the defendant's possession will be made available if it can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) Graf Bernadotte "The End", Europaverlag (Europa) Publishers Zuerich.

4. Request by Dr. Merkel, counsel for the Gestapo, for documents:

a. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) Operation Order Nos. 1-13 and 15-30 of the Chief of the SIPO and SD IV A I e.
(2) Decrees issued by the RSHA Amt IV. regarding foreign workers Akt.Z.IV D (a.A.) later IV B (a.A.).
(3) General Compilation of Orders (AES-Allgemeine Erlassammlung), Parts 1 and 3 issued by the RSHA I Org.
(4) Document PS 1063 (Leitz file of the Stapostelle Duesseldorf).
(5) Police-Prison Order (PDV.34).
(6) Decree issued by the RSHA in 1938 regarding Church Services in large rooms.
(7) Decree by RSHA dated either 1st or 3rd.9.1939 regarding Securing of domestic political system. (Sicherung der inneren Staatsordnung).
(8) Order by the SS Main Office for Economy and Administration, (Verfuegung des SS Wirtschafts und Verwalt ungshauptamtes), Amtsgruppenchef D - Concentration Camps - D I/1/Az.14 f 13/Ot/S/Geh.Tgb. 34/43 dated 15.1.43. Re. Operation 14 f 13 in the Concentration Camps.

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(9) Service Regulations for Concentration Camps (Camp Order) Berlin 1941, printed in the RSHA.
(10) Hans Richter, Einsatz der Polizei (Deployment of the Police) Eher Verlag (Publishers) Munich.

5. Request of Dr. Gawlik, defense counsel for SD, for document:

a. The following document if not already in the defendant's possession will be made available if it can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) The book which is used by American offices and the CIC regarding the organization of the Nazi State and Nazi Party.

6. The Tribunal engaged in a general discussion.

THE MEETING ADJOURNED AT 5:00 PM

JOHN E. RAY
Colonel, FA
General Secretary

1 Incl
cpy ltr to Nurnberg
Bar Council (Item 2)

H2786 - 0017

July 19, 1946

Nuernberger Anwaltsverein,
Ortskrankenkasse Gebaeude,
Waizerstr,
Nuernberg.

Attn: Secretary of the Nuernberg Bar Council

Dear Sir:

I am directed by the International Military Tribunal to write to you with regard to Dr. Babel, one of the Counsel appearing for the Defense of the SS.

Some question has arisen as to the propriety of the conduct of Dr. Babel in collecting sums of money from members of the SS in various camps for the purposes of the Defense.

The Tribunal was informed that the Nuernberg Bar Council had already instituted an enquiry; and as the Tribunal was without the detailed information or the time to make an investigation, it seemed to the Tribunal that if such an enquiry had been instituted by you it would be helpful to the Tribunal if you proceeded with the enquiry as quickly as possible, and if you thought fit, to forward your conclusions to them.

I am to add that the Tribunal makes no charges against Dr. Babel, but the matter having been raised in this form they would be glad to hear your views in due course.

I inclose for your information certain accounts and allied correspondence delivered to the Tribunal by Dr. Babel.

Respectfully,

JOHN E. RAY
Colonel, FA
General Secretary

11 Incls
#1-cpy ltr, Gen Sec frm Dr. Babel, 3 January 46
#2-cpy ltr, Dr. Babel frm Gen Sec, 17 January 46
#3-cpy ltr, Dr. Babel frm Major Neave, 21 January 46
#4-cpy ltr, Gen Sec frm Dr. Babel, 29 March 46
#5-cpy ltr, Dr. Babel frm Gen Sec, 15 April 46
#6-cpy 1st Ind, CG Third Army frm Gen Sec, 15 May 46
w/cpy basic ltr, 15 February 46
#7-cpy ltr, Gen Sec frm Dr. Babel, 12 June 46
#8-cpy ltr, Gen Sec frm Dr. Babel, 2 July 46 (German)
#9-cpy ltr, Dr. Babel frm Gen Sec, 4 July 46
#10-cpy ltr, Gen Sec frm Dr. Babel, 12 July 46 (German)
#11-cpy ltr, Gen Sec frm Dr. Babel, 12 July 46 (German)

Ltr 1

H2786 - 0018

No. 90

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
11 July 1946 4:00 PM

Lord Justice Lawrence presided

All Members of the Tribunal and their Alternates were present.

1. Upon the recommendation of Lieutenant Colonel Neave, the following order of the hearing of organizations in court was approved:

1. Political Leaders
2. Gestapo
3. SS and SD
4. General Staff
5. Reich Cabinet
6. SA

2. The Tribunal engaged in a general discussion.

THE MEETING ADJOURNED AT 6:00 PM

John E. Ray

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0019

No. 89

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
10 July 1946 2:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Request of Dr. Seidl, counsel for Hess and Frank, to correct translation error in document book for defendant Hess:
This request was approved by the Tribunal.

2. Request by counsel for SS, SD, and Gestapo for delay in submitting document books:
The Tribunal denied this request.

3. Request of Dr. Gawlik, counsel for the SD, for the book by Gisevius, "To The Bitter End":
This document if not already in the defendant's possession will be made available if it can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

4. Request of Dr. Pelckmann, counsel for SS, for documents:
a. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
(1) Service Regulations for the SS dated 20 November 1931.
(2) Operational Order (Einsatzbefehld) Nos. 1-13 and 15-22 of the Chief of the Security Police SD.

5. Request of Dr. Stahmer for three weeks' sick leave:
Approved.

6. Dr. Pelckmann's application to the Tribunal to state their reasons concerning their decision of 3 July, and for them to be distributed to camps:
The Tribunal ruled that Colonel Neave should compose a memorandum concerning the facilities granted for the defense of the SS which would be distributed to the members of that Organization. Dr. Pelckmann is to be called personally before the Tribunal and instructed to send this memorandum to all camps to which he sent copies of his application of 28 June.

7. Request by Dr. Laternser, counsel for General Staff and OKW, of 8 July:
a. to cross examine certain Prosecution witnesses. The Tribunal granted Dr. Laternser five of the witnesses listed in his application of 8 July to be cross-examined by him before the Commission at a special hearing arranged by Colonel Neave.
b. to submit affidavits to the Tribunal directly. This application has already been denied and the Tribunal reaffirmed their decision that affidavits should not form part of document books but should be submitted to the Commission.
c. to hear from five to six members of the Organization before the Tribunal. This will be decided when applications for witnesses to be heard in court are received.

8. A general discussion was engaged in.

THE MEETING ADJOURNED AT 5:00 PM

John E. Ray
JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0020

No. 88

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
3 July 1946 5:00 PM

Justice Birkett presiding

All Members of the Tribunal and their Alternates, with the exception of Lord Justice Lawrence, were present.

1. Request by Dr. Laternser, counsel for the General Staff and OKW, to cancel or modify Ruling of 8 June 1946 concerning hearing of witnesses before the Commission:

This request was denied by the Tribunal.

2. Request of Dr. Pelckmann, counsel for SS, that proceedings against the SS be separated and continued only after sentence has been announced for individual defendants:

After the Tribunal had discussed this request with Colonel Neave, Dr. Pelckmann was called before the Tribunal to further discuss his request. After Dr. Pelckmann had been heard and dismissed, the Tribunal discussed the request, and made the following decision:

> First, the application of Dr. Pelckmann that the proceedings against the SS be separated is denied. Second, the application to extend the hearings before the Commission is denied, and the Tribunal reaffirms its decision that there should be no hearings after July 5 except in cases specially permitted by the Commissioners. Third, counsel for the organizations shall discuss with an officer appointed by Colonel Neave such material as should be put in their document books before any application for the material is made to the Tribunal. No affidavits or other evidence taken before the Commissions shall be contained in the document books. Fourth, applications for the documents books are to be made immediately and in no case later than July 15. Fifth, the reapplication for the record in the Dachau trial is denied.

3. Request of Dr. Babel to retain money advanced to him by members of the Organization SS obtained through collection in various camps:

The Tribunal directed the General Secretary to request Mr. Babel to give the Tribunal a complete accounting of precisely what funds he obtained, when he obtained them, what was done with them, from whom he obtained them, and particularly any moneys which he collected after 15 April 1946.

4. Payments to Counsel:

The General Secretary asked for and received authority to make a general payment to all counsel of 7,000 Rm as an interim payment.

5. Recommendations of Lieutenant Colonel Neave on Order of Affidavits before the Commission:

The Tribunal adopted the recommendation of Lieutenant Colonel Neave, and directed that the following order should be posted on the Defense Information Center bulletin board:

H2786 - 0021

The Tribunal orders that:

1. All affidavits or interrogatories from witnesses of accused organizations will be examined by the Commissioners before their submission to the Tribunal.

2. The following procedure will be adopted by the Commissioners in examining such affidavits or interrogatories:

(a) Counsel for the Defense will read a summary of the affidavit or group of affidavits or interrogatory to the Commissioners in the presence of the Prosecution.

(b) The Prosecution shall be entitled to comment on or object to the evidence.

(c) If the Commissioners decide that the affidavit or interrogatory is relevant in accordance with Paragraph 6 of the order of March 13, they shall register the original document with the General Secretary's office.

(d) They shall submit the transcript of the proceedings before the Commission, including the summary of the affidavit or interrogatory to the Tribunal. In exceptional cases they shall make provision for the translation and circulation of the complete document.

(e) Both the Commissions will remain in session for this purpose until further notice.

3. The Tribunal understand that many thousands of affidavits have been sent to Defense Counsel by members of accused organizations interned in camps. Counsel should make arrangements to have these summarized by their own staffs or by members of the Organizations with legal qualifications. When summarized the original affidavits should be filed with the General Secretary's office and summaries certified by Defense Counsel submitted to the Commissioners. The Commissioners shall examine these summaries and submit them to the Tribunal.

6. Request of Dr. Laternser, counsel for General Staff and OKW, for certain passages to be struck out of the transcript of the evidence by Guido Schmidt:
The Tribunal denied this request.

7. Request of Dr. Nelte, defense counsel for Keitel, for Document USSR-151:
This request was denied.

8. Request of Dr. Pelckmann, counsel for SS, for documents:
a. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
(1) Statistics of the Economic and Administrative Head Office:
(a) Number and names of Concentration Camps.
(b) Number and names of the Labor Camps.
(c) Number of Internees in each camp during 1940-45.
(2) "Dachau SS" by Wm. W. Quinn, Col., GSC, G-2, 7th US Army.
(3) Rauschnig - Discussions with Hitler.

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b. The following documents were denied by the Tribunal:
(1) Statistics of the Reich Ministry of Justice of sentences for listening-in to foreign radio stations.
(2) War experiences of the Parachutist Thom Morgan from Manila to Paris. "Invasion's Hell" by John Henry Miller, Rascher-Edition, Zurich (Switzerland) 1944-45.
(3) War Propaganda and the Prevention of War, by Dr. Konrad Morgen.
(4) "German Justice" for 1940-41 (Essay by State Secretary: Dr. Roland Freisler on Collective Guilt as basis of Polish Penal law).
(5) Minutes of the trials and reasons for judicial sentences in the following trials of Commandants and Guards of Concentration camps:
(a) Celle near Hanover.
(b) Rastatt re Neue Bremme Camp.
(c) Wupperthal re Struthoff-Natzweiler Concentration Camp.

9. Request of Dr. Servatius, counsel for NSDAP, for documents:
a. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
(1) All the annual sets of the Party Statistics. Publisher - Chief of the Reich Organization.
(2) "The Party Judge" - All Editions (1938-1945).

10. Request of Dr. Gawlik, counsel for the SD, for documents:
a. The following document if not already in the defendant's possession will be made available if it can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
(1) Command folios of the Chief of the SIPO and the SD.
b. The following document was denied by the Tribunal:
(1) Book entitled "The Cross and the Swastika" by Johann Neuhaesler.

11. Request of Dr. Merkel, counsel for the Gestapo, for documents:
a. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
(1) Intelligence Service Bulletin 1944-45.
(2) Information Bulletin of Group IV.E 1938-44.

12. The request of Lieutenant Colonel Neave to continue the Commissions until 13 July was approved by the Tribunal.

13. The Tribunal decided that in the morning session of 4 July 1946, the letters on correction of the transcripts from Dr. Sauter, dated 17 June 1946, and from Dr. Exner, dated 23 June 1946, would be put to defendants Funk (Sauter) and Jodl (Exner) in order that the correct testimony would be entered on the record.

THE MEETING ADJOURNED AT 7:00 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0023

No. 87

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
27 June 1946 2:10 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Proposal by Lieutenant Colonel A.M.S. Neave regarding summarization of evidence taken on Commission:

The Tribunal approved the following statement, prepared by Mr. Biddle, as answer to Colonel Neave's Proposal:

> Colonel Neave's report should state briefly his activities under the Order of the Tribunal of March 12, 1946, with respect to taking evidence on behalf of the Criminal Organizations, and summarize the evidence taken, under headings appropriate to the subjects referred to in paragraph 6 (a) of the Order. The report should not attempt to draw any conclusions from the evidence, but should merely analyze it as objectively as possible.

2. Mr. Biddle brought up the question of clarifying the use of the evidence being heard before the Commissions. The Tribunal agreed that an announcement would be made in court to the effect that by the original order was meant that any of the evidence taken on the Commissions which the Defense Counsel wished to use, should be offered in evidence by them. This evidence will then become a part of the record subject to any objection. Counsel for the organizations should begin to make up their document books as soon as possible and put in their requests for translation.

3. The request of the Austrians to interrogate defendants Goering, Kaltenbrunner, Seyss-Inquart, and von Papen, was brought up by Judge Parker. The Tribunal agreed that there was no objection to this interrogation provided that:

a. Normal security regulations were observed.
b. The evidence obtained would not be made public prior to the promulgation of the sentence of the defendants concerned.
c. The defendants are informed of the purpose of the interrogation and it is made clear to them that the result of the interrogation will not be used in any way in connection with the trial at present proceeding before the International Military Tribunal at Nurnberg.
d. The defendants are willing to be interrogated.
e. Their counsels are informed of the project and given the opportunity to be present at the interrogation.

4. A general discussion was engaged in.

THE MEETING ADJOURNED AT 5:00 PM

John E. Ray
JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0024

No. 86

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
24 June 1946 5:25 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

The draft of the order prepared by Judge Parker re limitation of time for final speeches of defense was considered and the amended draft was accepted by the Tribunal, Mr. Biddle and General Nikitchenko dissenting.

THE MEETING ADJOURNED AT 6:45 PM

JOHN E. RAY
Colonel, FA
General Secretary

H2786 - 0025

No. 85

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
19 June 1946 5:20 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Lord Justice Lawrence brought up for consideration the resignation of Brigadier General W. L. Mitchell as General Secretary of the Tribunal due to his contemplated departure for the United States on or about 30 June 1946. The Tribunal accepted his resignation, and appointed Colonel John E. Ray as his successor. The Tribunal directed that the following statement should be recorded in the minutes of the meeting:

> On the resignation of Brigadier General Mitchell from the office of General Secretary of the International Military Tribunal at Nurnberg, the Tribunal desires to place on record its appreciation of his services.
>
> Brigadier General Mitchell took up the post of General Secretary on 6 November 1945, when the precise functions and duties of the General Secretary of the Tribunal had not been settled or defined, and it is principally due to his organizing ability and energy that the General Secretariat has done its work so smoothly and has carried out the many orders of the Tribunal so efficiently. His work has involved communication with all parts of the world, and the finding and the bringing to Nurnberg of a large number of witnesses from every part of the area of the Control Commission for Germany. The Tribunal records its gratitude to Brigadier General Mitchell for his services and for his invaluable assistance on all occasions.

In seconding the motion, General Nikitchenko said:

> The conditions of the work of the Office of the General Secretary are very complicated since there are four different countries in the same organization, and General Mitchell has organized that work in such a way that we have not encountered any difficulties. I ascribe this exclusively to the ability of General Mitchell to work in a coordinated manner with all Secretaries of the Secretariat, and to his ability to organize work in such a way that it would be concise and clear to every member. Of course, the Tribunal will be somewhat affected by the departure of General Mitchell and with his leaving, the Soviet members of the Tribunal wish to express their appreciation for General Mitchell's excellent cooperation.

M. Donnedieu de Vabres agreed with the previous statements, and wished to express the gratitude of the French Delegation for the competence and courtesy displayed by General Mitchell.

Mr. Biddle added, on behalf of the American members, an expression of his appreciation of the excellent work done by General Mitchell.

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2. Consideration of selection of an Editor for the printing of the record and transcripts:

The name of Lieutenant Colonel Lawrence D. Egbert, AUS (soon to revert to civilian status), was recommended by the General Secretary to the Tribunal, and the President read his qualifications. After full discussion, it was unanimously agreed that Lieutenant Colonel Egbert should be appointed as Editor, at a salary of approximately $9,000. per annum.

3. Request of Dr. Servatius for additional fees:

The Tribunal considered the request of Dr. Servatius for equal pay as counsel for two defendants, i.e., one defendant and the organization "Political Leader Corps", and decided that this request should be granted, beginning approximately 1 June 1946. It was further decided that this decision does not apply to any other counsel than Dr. Servatius at this time.

4. Admittance of a Defense Counsel for the Main Defendant (German Public) at the trial of war criminals:

This request was denied by the Tribunal.

5. Request of Dr. Kubuschok, Counsel for Von Papen, for permission to submit as evidence letter from Von Lernser to Mr. Kirkpatrick:

The Tribunal granted this request.

6. Request of Dr. Merkel, Counsel for the Gestapo, for documents:

a. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) Law 24 and 25 of the Inter-Allied Control Commission together with all annexes in German.
(2) Service Regulations of the Security Police for Service abroad.

7. Request of Dr. Boehm, Counsel for the SA, for documents:

a. Applications for the following documents to be returned to counsel for further particulars:

(1) "Ulmer Tagblatt", No. 285 of 13.11.33.
(2) "Ullustrierter Beobachter" of 7.3.31, 11.4.31, 24.10.31, and 26.12.31.

b. The following document if not already in the defendant's possession will be made available if it can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) Luyken: "Handbuch der SA" von Offene Worte-Verlag.

8. Request of Dr. Pelckmann, Counsel for SS, for documents:

a. The following document if not already in the defendant's possession will be made available if it can be reasonably located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) "Minutes of the Sittings of the German Reichstag from February to April, 1933."

9. Request of Dr. Laternser, Counsel for General Staff and OKW, for documents:

a. The following documents were denied by the Tribunal:

(1) English Close Combat Regulations.
(2) Copy of Regulations carried by American Troops.

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10. Request of Dr. Laternser, Counsel for General Staff and OKW, for permission for Dr. Roherscheidt, Assistant Counsel, to visit Prisoner Camp in England:

The Tribunal denied this request.

11. Recommendation of Dr. Servatius, Counsel for the Political Leader Corps, regarding procedure:

The Tribunal denied the recommendations of Dr. Servatius. In answer to the request and comment of Colonel Neave upon these recommendations, Judge Birkett and Judge Biddle are to draw up an order on what type of report the Tribunal desires, and bring it before the other members of the Tribunal.

12. An announcement is to be made in Court in regard to the time of appearance of supplementary witnesses. These witnesses are to be heard at the end of the case for the defendants. The General Secretary made a report to the Tribunal on the witnesses and interrogatories still outstanding. The Tribunal agreed to the suggestion of General Nikitchenko that a time should be set when interrogatories would be considered, and that an announcement should be made to the defense counsel that at the end of the cases, these interrogatories which have not been presented should be presented to the Tribunal.

13. General Nikitchenko suggested that the evidence on the Katyn Forest incident be presented in written form rather than by witnesses. The Tribunal agreed that the General Secretary should contact both the Prosecution and the Defense, and ask their opinions on whether or not this could be done.

THE MEETING ADJOURNED AT 6:25 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0028

No. 84

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
12 June 1946 5:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Discussion of the Rechberg affidavit with the Chief Prosecutors, Dr. Sauter and Dr. Froschmann:

After hearing discussion by the Chief Prosecutors and the two defense counsel, the Tribunal decided that the charges contained in the affidavit of Arnold Rechberg and Eberhard Cornelius were unfounded. It was further decided that a suitable reply to Rechberg and Cornelius would be drafted by the President.

2. Time limitation on final speeches:

After further discussion of the time limitation on final speeches, it was decided that the draft prepared by the President, with certain modifications, would be adopted and announced as an order in court on 13 June.

3. General Nikitchenko suggested that some statement should be made to the Defense Counsel to the effect that the trial was not to be used as an excuse for the exploitation of politics or for attacks against any of the participating nations. The Tribunal was asked to consider this matter.

4. Supplemental witnesses:

It was decided that witnesses granted individual defendants as the result of supplemental applications would be heard at the completion of all of the defendants' cases.

THE MEETING ADJOURNED AT 7:00 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0029

No. 83

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
7 June 1946 4:30 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Colonel Neave reported that the work of the Commission was proceeding satisfactorily, and that twenty-two or twenty-three witnesses had been examined to date, some of them being important witnesses for the organizations. He stated that in order to complete the work by 5 July, it was planned to set up a second Commission under Mr. George R. Taylor. Judge Parker made the suggestion that if any of the defense counsel had questions to put to any of the witnesses for organizations, the questions should be put to them through the Commission. This suggestion would not apply to the defendants but to the other witnesses. This suggestion was adopted by the Tribunal, and it was decided that an announcement would be made in Court to that effect. Colonel Neave asked for the guidance of the Tribunal as to whether or not questions should be submitted as a summary and a statement as to the relevancy of the testimony, and the Tribunal decided that a summary should be submitted to them rather than a transcript of the proceedings. The President brought up the question as to the limitation of the number of witnesses to be heard for organizations, and the suggestion was made by Mr. Biddle that Colonel Neave be asked to recommend the number to be heard for each organization." Mr. George R. Taylor was also ~~suggested~~ designated as the officer who will examine affidavits and rule on all questions under the Tribunal's order of 9 May 1946 regarding their being sworn to before an Allied Officer. Mr. Taylor will do a certain amount of selection of the affidavits with the defense counsel, will settle the swearing of them, and they will then be submitted to the Commissions who will make the final selection as to the admissibility and offer them to the Tribunal.

2. Adjustment of discrepancies in the indictment:

The motion submitted by the Prosecution to correct the wording of the discrepancies in the indictments to agree with the German indictment was considered by the Tribunal, and it was agreed to accept the ~~action prepared by Justice Birkett.~~ Prosecution's motion without change. W.L.M.

3. Report by General Secretary on press conferences being held by defense counsel:

General Secretary made the report on the Defense Counsel press conferences, and the Tribunal decided that a representative from the General Secretary's Office should be present at the weekly conferences.

4. Application for document by Dr. Servatius, Counsel for NSDAP:

a. The following document was denied by the Tribunal:
(1) "Olympiade, Berlin 1936, Official Report"

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IMT Meeting - 7 June 1946

5. Request for documents by Counsel for the SS:

a. The following documents were denied by the Tribunal:

(1) Minutes of the Trial and arguments of the proceedings against K. Z. Commanders - Belsen, Mauthausen, Dachau, and Keuengamme.

(2) "Create decent fellows", Gunther d'Alquen

(3) "England Speaks", Philip Gibbs

b. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) Volume of the "Black Corps" (December issue 1944)

(2) Decree of the OKW Az i 10 AWA/AG/E (Id) No. 2870/43

(3) Handbook of the Wehrmacht, 24th Edition

(4) Army-Service-Ordinance 81/15

THE MEETING ADJOURNED AT 6:05 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, US Army
General Secretary

H2786 - 0031

No. 82

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
5 June 1946 5:35 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

Dr. Kranzbuehler, Dr. Stahmer, and Dr. Kubuschok, representing all defense counsel, were present at the request of the Tribunal to present the views of the defense counsel on the question of limitation of time for the final speeches of the defense counsel. After these views had been presented, the counsel were excused, and the discussion continued by the Tribunal. It was agreed that the matter should be considered further and decision withheld until a later date.

THE MEETING ADJOURNED AT 6:55 PM

W.L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0032

No. 81

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
31 May 1946 5:25 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates, with the exception of Judge Birkett, were present.

1. Application by Dr. Klefisch (Assistant Counsel for SA) to split the defense of the SA into component parts:
   This application was denied by the Tribunal.

2. Application of Dr. Merkel, Counsel for the Gestapo, for documents:
   a. The following document was denied by the Tribunal:
      (1) "The State within the State", by Papoff
   b. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
      (1) General and Political Police in the Prussian Administrative Law. Vol. II. one-half Vol. 1933, by Drew-Lassar
      (2) "History of the Police", by Melcher
      (3) "Conception of Police in the Modern State, Breslau 1918", by Wolzendorff

3. Application of Dr. Babel, Counsel for the SS, for documents:
   a. The following document was denied by the Tribunal:
      (1) "An American Doctor's Odyssey", by Heiser
   b. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
      (1) "Compilation of Laws", Reich Police Code
      (2) SS and Police Court Manuals of 1933-45
      (3) Decision of the Reich Foreign Minister re introduction of conscription for people of German blood in Yugoslavia
      (4) Collection of decrees issued by the SS main office for SS Courts
      (5) Rules on examinations at Junker Colleges, 1942 and 1944
      (6) Official diary of SS Sector XXIV, Bremen

4. Application of Dr. Babel, Counsel for the SS, for documents:
   a. The following document was denied by the Tribunal:
      (1) Decision of the Military Government, Munich, 3 August 1945, re statute 52, paragraph II.
   b. The following document if not already in the defendant's possession will be made available if it can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:
      (1) List of Ordinances and directives of SS Reichsfuehrer and Chief of German Police, all annual sets.

H2786 - 0033

IMT Meeting - 31 May 1946

5. Application from Dr. Merkel, Counsel for the ~~SS~~ GESTAPO, for documents:

a. The following document was denied by the Tribunal:

(1) New York Times, 2 June 1942 (article by Denny).

b. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) Conversations with Hitler 1939 (?), by Rauschning.

(2) Development of the Prussian Security Police up to the end of the reactionary period, by Dr. Obenaus.

6. Mr. Biddle brought up the question of Dr. Seidl's latest application, but as comment of the Prosecution is not ready, the question is to be taken up as soon as possible next week.

THE MEETING ADJOURNED AT 6:45 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0034

No. 80

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
30 May 1946 5:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Motions by the Chief Prosecutors and Counsel for the individual defendants as to final speeches in connection with the individual defendants and application by Dr. Pannenbecker that the trial of the individual defendants not be completed prior to the trial of the organizations:

The plan of the Prosecution contained in Paragraphs 1a and 1b of their motion was approved by the Tribunal, with the modification that the statements of the defendants should be heard last immediately before the judgment of the Court. Lord Justice Lawrence and Judge Birkett are to edit the draft prepared by Judge Parker and present it informally to the other members of the Tribunal before the final order is prepared. It should be stated in the order that Counsel for no individual defendant shall have the right to ask any question of a witness called for an Organization without special permission of the Tribunal.

A separate order regarding limitation of time in final speeches will be issued at a later date as Defense Counsel have been instructed to confer and report back to the Tribunal their ideas on a limitation of time for final speeches. The General Secretary is to put this item on a later agenda. The question of the submitting of the final speeches to the Tribunal for consideration prior to translation is to be discussed when the Defense make their report to the Tribunal.

2. Request by Colonel Neave for definite date on which work of Commission is to be finished:

Statement prepared by Colonel Neave is to be read by him as an order on the direction of the Tribunal, and is to set 5 July 1946 as the date for the conclusion of the hearing of witnesses before the Commission.

3. Request of Dr. Laternser that in conducting the legal hearing, the Tribunal establish the approximate number of persons to be heard before the Tribunal only:

This request was denied by the Tribunal, as it has been decided that all witnesses for Organizations will be heard by the Commission.

4. Request by Dr. Babel for Tribunal's decision on defense of the SS and the matter of dealing with the large number of statements of former members of the SS in his possession:

The Tribunal decided that Dr. Pelckmann is to represent the SS during the remainder of the trial. Decision was also made that Dr. Babel is to summarize the 65,000 statements of organization members and to present his report to the Tribunal; whenever a quotation or reference to one of the affidavits is used, the affidavit should be identified.

H2786 - 0035

5. Order for printing the record of the trial:

The following order was adopted by the Tribunal. The question of keeping original documents or possibly photostatic copies together at one place for historical purposes is to be brought before the Tribunal at a later date.

ORDER FOR PRINTING OF RECORD

(1) Every document or portion of a document offered in evidence, or of which judicial notice was taken by the Tribunal, shall be lodged with the General Secretary.

(2) The General Secretary shall, subject to the approval of the Tribunal, employ under his direction an Editor of the Record, with appropriate staff and facilities, who shall be charged with the duty of arranging, editing and preparing for printing, and printing, material authorized to be printed by the Tribunal. There shall be printed, in addition to what the Tribunal has already authorized, under further orders of the Tribunal, material from the following:

(a) entire documents which are submitted, or from which extracts have been submitted;
(b) photographs and descriptions or photographs of non-documentary exhibits;
(c) documents or parts of documents judicially noticed by the Tribunal;
(d) published orders of the Tribunal not included in the transcript;
(e) such further material as the Tribunal from time to time may direct.

(3) The General Secretary shall

(a) prepare a list of all documents put in evidence before the Tribunal or noticed judicially by the Tribunal, and shall indicate therein those documents which have not been read and those documents from which extracts only have been read;
(b) ascertain and report to the Tribunal the views of the chief prosecutors and defense counsel as to those documents, or parts of documents, which they recommend for printing.
(c) ascertain and report to the Tribunal to what extent there are available translations into English, French, German and Russian of the material recommended in Paragraph (2) above.

6. Dr. Kranzbuehler's application in open court on 14 May re use of certain documents later on which had been refused previously by the Tribunal:

Decision was made that Counsel should not be permitted to refer to any documents or matters which the Tribunal has ruled out as evidence.

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7. Application for documents from Dr. Boehm, Counsel for the SA:

a. The following documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date:

(1) Taegliche Rundschau (Daily Survey)
(2) Deutsche Tageszeitung dated 12.2.1921.
(3) S.J. Bussew: "Die Lehren des Buergerkrieges" (The lessons of the Civil War) Hamburg 1923
(4) "SA-Service Regulations" published by C. Huber, Diessen/Amersee
(5) Sponholz, "Die SA 1933-1943"
(6) Roehm, "Geschichte der SA" (History of the SA)

b. The following documents are denied as being irrelevant:

(1) Karl Plaettner "Der Organistierte rote Schrecken"
(2) Taktik und Organisation der revolutionaeren Orfenzive (Tactics and Organisation of the revolutionary offensive)
(3) Hearst Press: Editions from 20.9.1937 and 20.9.1938
(4) German newspaper "Die Welt", all editions for February 1940
(5) "The 19th Century and After" of 29.4.36, News Cronicle of 22.4.36
(6) Chicago Tribune of 11.12.45
(7) Chicago Tribune of 12.12.45
(8) Hitler's conquest of America, speech by Robert M. Hutchings, 15.6.45
(9) Catholic Digest of August 1945
(10) Hugh Wilson, Years as a Diplomat
(11) Expert Opinions by University Professors
(12) Dozent Jegerselt, Stockholm

THE MEETING ADJOURNED AT 6:35 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 – 0037

No. 79

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
29 May 1946 4:30 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

Sir David Maxwell-Fyfe, Mr. Dodd, General Rudenko, and M. Dubost, of the Prosecution, and Dr. Pannenbecker and Dr. Kubuschok, of the Defense, were present to present their views on the motion by the Chief Prosecutors as to final speeches in connection with the individual defendants and the application by Dr. Pannenbecker that the trial of the individual defendants not be completed prior to the trial of the organizations. A motion signed by twenty-one counsel for the individual defendants concerning the final speeches was also presented and considered. Some discussion was also held on the length of the final statements by the Defense. After their views had been presented, the members of the Prosecution and the Defense were excused, and the Tribunal held further discussion on these questions, with decision being deferred to a later date.

The Tribunal decided to hold another meeting at 4:30 PM on 30 May 1946.

THE MEETING ADJOURNED AT 6:50 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0038

No. 78

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
22 May 1946 5:20 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Complaint of internees of the "General Staff and OKW":
The Tribunal have heard that a Board of Officers has been set up to investigate the matter raised in this correspondence, and they decided to take no action at this time but to await a report which will be sent to it by the Board of Officers upon completion of their investigation.

2. Request by Dr. Pannenbecker, Counsel for the defendant Frick, that the trial of the individual defendants be not completed prior to the trial of the organizations:
This matter was postponed until the next meeting, when representatives of the Defense and the Prosecution will be present to present their views. The Tribunal decided that the amount of time to be spent in argument is to be put to Counsel.

3. Request for hearing of Defendant Seyss-Inquart before hearing of Defendant von Papen:
This request was granted by the Tribunal.

4. Request for decision on "Certificate Authenticating Transcripts":
The proposed draft of the certificate as submitted by the General Secretary was approved.

5. Request of Dr. Pelckmann, Counsel for the SS, to send his associate, Dr. Haensl, to Switzerland for the purpose of studying and conferring with psychologists:
The Tribunal denied this request.

6. Application of Dr. Boehm (Assistant, Dr. Aschenauer), Counsel for the SA, for the following document:
a. "To the Bitter End", by Gisevius
This document was granted by the Tribunal.

7. Application of Dr. Merkel, Counsel for the Gestapo, for documents:
a. "The State within the State", by Papoff
b. General and Political Police in the Prussian Administrative Law, Vol. II, one-half Vol. 1933, by Drew-Lassar
c. "History of the Police", by Melcher
d. "Conception of Police in the Modern State, Breslau 1918", by Wolzendorff
Decision on these documents was deferred due to request by Prosecution.

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IMT Meeting - 22 May 1946

8. Application of Dr. Babel, Counsel for the SS, for documents:
   a. "An American Doctor's Odyssey", by Heiser
   b. "Compilation of Laws", Reich Police Code
   c. SS and Police Court Manuals of 1933-45
   d. Decision of the Reich Foreign Minister re introduction of conscription for people of German blood in Yugoslavia
   e. Collection of decrees issued by the SS main office for SS Courts
   f. Rules on examinations at Junker Colleges, 1942 and 1944
   g. Official diary of SS Sector XXIV, Bremen

Decision on these documents was deferred due to request by Prosecution.

9. Request by Dr. Boehm that all affidavits submitted before 9 May 1946 be declared valid:

The Tribunal decided that these affidavits would be authentic even if they were authenticated by a German Notary, Judge, or Police Official.

10. The General Secretary is to notify General Rudenko and other members of the Prosecution, and Dr. Sauter that the Tribunal would like to see them on the matter of the Rechberg affidavit, at the meeting on 29 May. General Nikitchenko requested that this not be an official meeting.

11. Judge Birkett requested that the agenda for the next meeting include the matter of the minor differences in the indictments. These differences can be settled by a resolution from the Tribunal, and Judge Birkett is to draft up such a resolution. The discrepancies have been put into lists so that they may be easily detected, and the Prosecution has expressed the opinion that the simplest method would be to bring the other three texts into conformance with the German text.

12. General Nikitchenko gave information that the Defense Counsel were systematically holding press conferences. The General Secretary is to be given all the information General Nikitchenko has, and was directed to investigate this and make a report to the Tribunal.

THE MEETING ADJOURNED AT 7:00 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0040

No. 77

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
13 May 1946 4:55 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Prosecution's Report re Professor Hallervorden's complaints:

The Tribunal directed the General Secretary to write a letter to Professor Hallervorden explaining the fact that the court record was misquoted by a reporter; that the statements in the newspaper were not made in actual court, thus the cause for his complaint is not found in the court record but in the newspaper, and that the Tribunal feels that they cannot exercise their powers of calling him as a witness before the Tribunal. The letter is to be submitted to the President prior to dispatch.

2. Request of Dr. Mutrux for hand imprints of defendants:

This request was denied by the Tribunal. The General Secretary is to draft a letter of refusal to Dr. Mutrux.

3. Retention of the office of Berlin Secretary of the Tribunal:

The Tribunal decided that the Berlin office should be retained, but that the replacement might possibly be someone with other duties as this did not appear to be a full-time job.

4. Comment of Prosecution re extent of charges of SS:

The Tribunal decided that a reply to Dr. Babel should be made, stating that the distinction between various branches of the SS will have to be gone into by the Tribunal. He should be directed that this distinction should be made very clear, and if he wants to claim that some people should be left out, he must show evidence why this should be. The General Secretary to prepare reply and submit to the President prior to dispatch.

5. Application of Dr. Hermann Jahrreiss, assistant counsel for Jodl, to address Forum Academicum at University of Frankfurt:

The Tribunal directed the General Secretary to address a letter to Dr. Jahrreiss, with a copy going to Dr. Kempner, expressing the view of the Tribunal that it would be inappropriate and undesirable for such a speech to be made while the case is being tried.

6. Request of German officials to allow German people to try war criminals under the laws of Germany:

The General Secretary was directed to reply to the Allied Control Council for Germany substantially as follows:

> While the Tribunal is trying these defendants in accordance with the agreement of 8 August 1945 and the Charter, no other court has jurisdiction, and on the whole it is thought unwise to make any suggestion as to future trials.

7. Request of Dr. Servatius for an expert's opinion on the authenticity of Documents D-728:

The Tribunal refused the request for a further opinion by an expert.

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8. The President asked the members of the Tribunal to give thought to the question of the trying of the High Command, i.e. is there or is there not a case against it.

9. Applications for documents from Dr. Merkel, counsel for the Gestapo:

a. Politische Polizei, by Bernhard Weiss

This document if not already in the defendant's possession will be made available if it can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

b. Communications of the SS and Police court, years 1937-1944

c. Silber, the other weapons

These two documents were denied by the Tribunal.

10. Applications for documents from Dr. Pelckman, counsel for the SS:

a. Armed Forces' pocket calendar, 61 number

b. SS order of 1934 re disciplinary punishment

c. SS Manual

d. SS Bulletin of the SS High Court Chief Office

These documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

e. Collection of decrees by the SS High Court

These documents were refused as being too general.

11. Applications for documents (17) from Dr. Boehm (Dr. Aschenauer, Assistant) counsel for the SA:

These applications are to be returned to counsel for further proof as to relevancy.

12. Request by Dr. Siemers for hearing of Witness Boehm at a later date than Raeder case:

This request was granted by the Tribunal.

13. Applications for documents from Dr. Gawlik, counsel for the SD:

a. The SD Regulations regarding uniform

b. Report on the conditions in Luxembourg and judgment of exclusion from the NSDAP in the case of Walter Knau

c. Two reports on the SD-Office Speyer, and one report on the SD-Office Salzburg

d. One lithographed directive to all commanders in chief of the occupied territories regarding the duties of the SD

These documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

THE MEETING ADJOURNED AT 6:45 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0042

No. 76

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
11 May 1946 12:30 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Supplementary applications for witnesses and documents were discussed by the Tribunal. Decisions will be made as a separate order.

2. Request for appointment of Mr. McIlwraith, British Secretary, as Assistant Commissioner in hearing of Organization witnesses:
The Tribunal agreed that this appointment would be made.

THE MEETING ADJOURNED AT 2:10 PM

W. L. Mitchell
W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

File

H2786 -0043

No. 75

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
6 May 1946 5:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

The Tribunal discussed the problem of the printing of the record. Mr. Biddle submitted a proposed order on this subject which was turned over to Mr. Barton for study and report by the Committee. It was further decided that in the meantime the members of the Tribunal would discuss the proposed order with the Chief Prosecutors. It was decided that recommendations for the position of Editor should be made by the Committee.

THE MEETING ADJOURNED AT 6:15 PM

W L Mitchell
W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0044

No. 74

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
4 May 1946 12:45 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

The recommendations for the material to be printed in the first volume of the transcript of the proceedings of the trials as submitted by the Committee were considered. After discussion it was agreed that the following would be included in the first volume -- the exact order in the printed volume to be an editorial decision when all the material is available:

1. Title page.
2. Table of contents.
3. List of judges.
4. List of prosecutors - legal not administrative.
5. List of defense counsel and associates.
6. List of principal officials of General Secretariat and Secretariats of four nations.
7. Agreements of the 8th of August and Charter.
8. Indictment.
9. Rules of procedure.
10. Certificates of Service of Indictment on defendants.
11. Written Order as to publication of notices to defendant Bormann and members of groups and organizations.
12. Report of Major Hortin as to publication of notices and any subsequent such reports.
13. Report of the proceedings in open session in Berlin on lodging of Indictment.
14. Transcripts of open sessions at Nuremberg prior to 20th November, 1945.
15. Any written motions made to the Tribunal referred to in the preliminary open sessions.
16. Doctors' reports on the defendant Krupp.
17. Order as to medical examination of Hess.
18. Doctors' reports on the defendant Hess.
19. Doctors' reports on the defendant Streicher.

THE MEETING ADJOURNED AT 1:35 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0045

No. 73

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
27 April 1946 10:00 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Mr. Dodd, Sir David Maxwell-Fyfe, General Rudenko, and M. Dubost of the Prosecution, and Dr. Dix of the Defense, were present to discuss with the Tribunal the problem of shortening cross-examinations. After the discussion had been presented, the Tribunal directed the Prosecution to continue this discussion among themselves, and to submit to the Tribunal a report on cross-examination of witnesses by only one Prosecutor, with a view to shortening the proceedings. Members of the Prosecution and the Defense then withdrew.

2. Request of Dr. Kubuschok, counsel for the Reichscabinet, that counsel for the organizations will not be required to examine witnesses of individual defendants prior to the trial of the organizations:
This request was denied by the Tribunal.

3. Application for interrogatories to be sent to (1) General Bedell Smith and Field Marshall Lord Allenbrook, (2) Marshall Zukhof:
The Tribunal denied these applications as being irrelevant.

4. Request of Dr. Steinbauer, counsel for Seyss-Inquart to change sequence of examining witnesses:
Refused.

5. Request of Kranzbuehler, counsel for Doenitz, to change sequence of examining witnesses:
Refused.

6. Request of Dr. Sauter, counsel for Schirach, that permission be granted for the publishing via press and radio of a statement of Schirach:
Refused.

7. Applications for documents by Dr. Babel, counsel for the SS:
   a. Report books of the main office SS Court of Justice (all years)
   b. Statistics of the main office SS Court of Justice (all years)
   c. Regulations of the SS re discipline and complaints dated 1933

These documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

8. Two reports from the Committee on the Official Record:
   a. Printing of transcripts-Introductory Volume
   b. Assembly of material for the official record of the trial

Several questions were brought up by Mr. Biddle for the consideration of the Tribunal, and the question was left for later discussion. Judge Birkett brought up the question of the indictment being slightly different in the four different languages, and suggested that they should be uniform.

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9. The Tribunal discussed the note by the President on the form and preparation of final judgment.

THE MEETING ADJOURNED AT 12:45 AM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0047

No. 72

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
17 April 1946 5:45 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates, with the exception of Judge Birkett, were present.

1. Supplementary applications for witnesses and documents were discussed by the Tribunal. Decisions will be made as a separate order.

2. Memorandum dated 2 April 1946 from General Secretary to the Tribunal regarding selection of witnesses for organizations:
This memorandum was approved with minor changes which are to be incorporated into it by the General Secretary.
   a. In Par. 1b(1), wording should be changed to "as soon as possible" rather than "directly".
   b. Witnesses should be examined before appearance in court to expedite examination.

3. Letter from Dr. Babel, subject, "Extent of Charges Against SS":
The memorandum is to be referred to the Prosecution with no comment by the Tribunal, for any suggestion they might have to make.

4. Letter from Colonel Neave, subject, "Appointment of Mr. Igor Rasumov as Assistant Commissioner":
This appointment was confirmed by the Tribunal.

5. Discussion of interrogatories for Admiral Nimitz from Doenitz:
The Tribunal decided that the interrogatory is to be sent out with a covering statement by Mr. Biddle.

6. Applications for documents:
   a. From Dr. Babel for the SS
      (1) Christmas books of the SS, published in December 1942, 1943, 1944.
      (2) Special editions of the SS guidance pamphlets at Christmas 1942, 1943, 1944.
   b. From Dr. Heim for the Gestapo:
      (1) Bavarian Review (No. 7, 6 April 1946)

These documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

7. Draft of "Rules for hearing evidence before commissioners" submitted by Colonel Neave:
Adopted in principal. Colonel Neave is to coordinate with the Chief Prosecutors and submit a redraft to the Tribunal for final decision.

H2786 - 0048

8. Letter from Headquarters, U.S. Forces, European Theater re "Release from Internment of Members of Organizations Indicted as Criminal" in which an opinion is requested on release of members of indicted organizations:

The General Secretary was directed by the Tribunal to make the following reply:

> The Tribunal believe that it is not appropriate for the Tribunal to advise USFET whom they should or should not release as members of indicted organizations.

9. Payment of Counsel fees:

The Tribunal decided that 7,500 RM should be paid to each defense counsel now, with the matter of further payments to be left over. To those counsel who have more than one defendant, an additional fifty percent will be paid.

THE MEETING ADJOURNED AT 6:45 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0049

No. 71

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
15 April 1946 9:30 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Rosenberg's document books:

The Tribunal ruled that all the documents in Book 1, Volume 1 and Volume 2 should be denied up to and including the book by Hellpach, that is to say Exhibits 1 to 6 and also Exhibits 7e and Exhibit 8. Secondly, the Tribunal rules that it will take judicial notice of Exhibits 7, 7a, 7b, 7c and 7d, but it rules that those Exhibits 7 to 7d are not to be read at the present stage but may be quoted by counsel in his final speech. Thirdly, the Tribunal allows books 2 and 3, and, fourthly, the Tribunal rules that the defendant Rosenberg shall be called first and any documents which have been allowed may be put to him in the course of his examination.

2. Application by Dr. Thoma, counsel for Rosenberg, for an affidavit from Professor Dencker:

Granted.

3. Request of counsel Kranzbuehler for the translation of documents:

The Tribunal decided that these documents are to be translated, but that the question of admissibility is to be decided later.

4. Memorandum dated 29 March 1946 from Dr. Babel regarding collection of funds from internees of camps, together with copy of letter from the German camp leader of Camp Ludwigsburg No. 72 dated 17 December 1945:

Decision was made that Dr. Babel is not to be allowed to collect fees from organization members in camps and will be so notified by the General Secretary.

5. Applications for documents from Dr. Merkel for the Gestapo:
   a. Financial estimate on the Gestapo for 1942 and 1943.
   b. Deutsche Allegmeine Zeitung (June 1942).

These documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

6. Applications for documents by Dr. Babel for the SS:
   a. PDV (Police Service Regulation) 27/I (Service Regulation for use of the Protective Police).
   b. PDV. 27/11 (Service Regulation for the use of the Gendarmerie.
   c. Regulation Gazette of the Ordinary Police.
   d. Regulation Book of Major General of Police Van Bemhard.
   e. Bavarian Gendarmerie - Service Regulation, valid for 1920-1941.

These documents if not already in the defendant's possession will be made available if they can be located, for information of the defense counsel. The question of admissibility will be finally determined at a later date.

THE MEETING ADJOURNED AT 10:00 AM

W. L. Mitchell
W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0050

No. 70

Palace of Justice
Nurnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
13 April 1946 11:10 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

A meeting was called to discuss a copy of a letter from the Mayor in Oranienburg, near Berlin, which had been sent to the Prosecution by the said Mayor, and which document the Prosecution desired to introduce in evidence against the defendant Kaltenbrunner. The document in question was a copy of the said Mayor's reply to a letter written to him by Dr. Kauffmann, counsel for Kaltenbrunner. Dr. Kauffmann objected to the introduction of the copy of the letter by the Prosecution.

The meeting decided that the document is inadmissible.

Mr. Biddle and General Nikitchenko voted against the decision and requested that the following statement be recorded in the minutes of the meeting:

Note of Dissent:

To the ruling of the Tribunal refusing the admission of the copy of the letter of the Mayor of Oranienburg written in answer to letter of counsel for defense Kauffmann, copy of which was sent to the American Prosecutor and to the ruling of the Tribunal about the impossibility to consider the letter and admit it into evidence, the members from the U.S.A. and the U.S.S.R. note their dissent and ask that it be entered upon the minutes of the Tribunal.

They do not consider that the copy of the letter sent to the American Prosecutor is in any sense a priviledged communication disclosing any professional secrets of the relationship between attorney and client; and do not subscribe to the holding that the Tribunal is precluded from looking at the copy of the letter for the purpose of determining its admissibility under applicable rules of evidence.

THE MEETING ADJOURNED AT 12:05 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 -0051

No. 69

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
10 April 1946 5:20 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Interrogatory requested by Defense Counsel for Doenitz to be sent to Admiral Nimitz:

The Tribunal decided that this interrogatory is to be allowed as it now stands, but is to be accompanied by a statement in substance as follows:

> The International Military Tribunal have authorized the inclosed questionnaire formulated by counsel for Admiral Doenitz, to Admiral Nimitz. The basis of the Tribunal's decision in authorizing the questionnaire was that it was appropriate to construe the international law of submarine warfare by determining what actions were taken by the powers during the war.

2. Memorandum from the British Secretary regarding the reply from the British Admiralty to the Tribunal's request for records for the defendant Raeder:

The Tribunal requested the British delegation to ascertain whether or not the reply from the British Foreign Office can be made public. If so, the General Secretary is to send a letter to the defense counsel quoting their reasons why these records can not be made public.

3. ~~Sir Norman Birkett~~ General Nikitchenko brought up the subject of methods for shortening the trials. Several suggestions were made which members of the Tribunal were asked to think about with a view to further discussion.

4. Lord Justice Lawrence requested the members of the Tribunal to study a paper which he had prepared on the problem of judgment and preparatory work for such.

THE MEETING ADJOURNED AT 6:25 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0052

No. 68

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
6 April 1946 1:30 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Supplementary applications for witnesses and documents were discussed by the Tribunal. Decisions will be made as a separate order.

2. Request by Dr. Nelte for repayment of expenses incurred by him on two trips in connection with the defense of defendant Keitel:
The Tribunal decided that this request should be granted and that in the future, all such requests should be left to the General Secretary.

3. Three appeals to the Tribunal from Professor Hallervorben to rectify statements made by the Prosecution connecting him with activities in concentration camps, which he claims to be untrue:
Decision was made that these statements should be turned over to the Prosecution for an investigation and a report to the Tribunal.

4. Request by Dr. Babel for records of the Canadian Court Martial against SS General Kurt Meyer:
The General Secretary was instructed by the Tribunal to write to the Canadian authorities for these records.

5. Applications for documents by Dr. Merkel for the Gestapo:
   a. Dr. Alfred Schweder, "Die politische Polizei" resp. "Die Geheime Staatspolizei"
   b. Schlierbach, Helmut, "Die politische Polizei in Preussen"
   These two documents, if not already in the defendant's possession will be made available. Passages which defendants' counsel wish to use may be included in their document books. The question of admissibility will be finally determined when each document is offered in evidence.
   c. Wassiliew, A.T., OchVana, aus den Papieren des letzten russischen Polizeidirektors.
   Denied.

6. Memorandum from General Secretary on application for documents for Sauckel:
Those applications which counsel agreed to strike out were denied by the Tribunal. Decision on all other documents was postponed until such time as the General Secretary obtains copies of as many of these documents as possible, for review by the Tribunal.

7. Request by Dr. Luedinghausen, counsel for Neurath, for minutes of the proceedings of the Tribunal in Prague against Karl H. Frank:
Permission was granted to the counsel or the assistant counsel for Neurath to go to Prague, with the authority of the General Secretary, to look over the record of these proceedings.

H2786 -0053

8. Application dated 18 March 1946 from General Rudenko (Soviet Chief Prosecutor) addressed to the Tribunal requesting reconsideration of the Tribunal's ruling on 12 March 1946, regarding the summoning of witnesses in connection with the killing of Polish officers in the Katyn Forest:

The Tribunal decided that General Rudenko's application should be denied and that no reasons for the denial would be given. General Nikitchenko disagreed with the decision in principle for reasons stated at a previous meeting on the same subject (Paragraph II of Minutes of the Tribunal, 12 March 1946). Mr. Biddle requested that the following statement be placed on record as his desired reply to the memorandum:

"On March 12 the Tribunal, after hearing argument and upon careful consideration, granted the application of counsel for the defendant Goering to summon witnesses whose testimony is asserted to be relevant to the charge in Paragraph VIII (c) (2) of the indictment that the defendants were responsible for the killing in the Katyn Forest of 11,000 Polish officers who were prisoners of war. The chief prosecutor for the Soviet Union has petitioned for reconsideration of this ruling on the ground that the Tribunal, in granting the application, has exceeded its powers under the Charter.

"Article 21 of the Charter provides:

> 'The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental documents and reports of the United Nations, including the acts and documents of the committees set up in the various Allied countries for the investigation of war crimes, and the records and findings of military or other Tribunals of any of the United Nations.'

"Pursuant to this article, the Tribunal has received and judicially noticed the report of the Extraordinary State Commission of the Soviet Union of its investigation of the Katyn incident. In receiving the report and according it judicial notice, the Tribunal proceeded upon the view that Article 21 of the Charter contemplates that the results of such inquiries conducted by commissions of the Allied countries should be received without further proof and accorded such evidentiary weight as may seem appropriate upon all the evidence adduced. It is contended by the chief prosecutor of the Soviet Union that this interpretation of Article 21 is erroneous and that, properly construed, the Article contemplates that the reports of committees established in the Allied countries for the investigation of war crimes should be accepted by this Tribunal as irrefutable evidence of the facts found.

"In the opinion of the Tribunal this contention is unsupported by the Charter and intrinsically unreasonable in itself.

"What Article 21 provides is that the 'acts and documents' of Allied investigating committees shall be subject to judicial notice, that is, that they shall be received by the Tribunal as evidence of the facts found. This provision is fully satisfied when such a report as that of the Extraordinary State Commission is received without further authentication and without independent evidence of the facts upon which the report is based. But Article 21 does not provide what weight shall be accorded by the Tribunal to the conclusions of an investigative report as evidence of the facts found. Still less does it provide that the proof afforded by such conclusions is immune to the normal possibility of disproof, if competent evidence in contradiction can be brought forth.

H2786 - 0054

"The Soviet Prosecutor is in error in submitting that Article 21 is deprived of genuine significance unless judicially noticed reports constitute irrefutable evidence. Judicial notice relieves the Prosecution of the burden of producing, in the first instance, independent evidence in support of the findings embodied in the report. This is a highly significant consequence and none the less so because independent evidence may be necessary in rebuttal should the defendants succeed in adducing substantial disproof of the findings in the Committee report.

"The fundamental point is that if Article 21 required that investigative reports be treated as irrefutable evidence of the facts found, that Article would nullify the command of Article 19 that the Tribunal shall admit any evidence that it deems to have probative value. What is even more important, it would stultify the Tribunal as a judicial institution established by the signatory nations to apply the judicial method to the ascertainment of the relevant facts. The judicial function of the Tribunal would be seriously impaired if the Tribunal were bound by the conclusions of a report founded upon procedures which, however appropriate to investigation, may lack the safeguards provided by the Charter as intrinsic to the judicial process.

"The application for reconsideration is accordingly denied."

THE MEETING ADJOURNED AT 4:00 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 – 0055

No. 67

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
4 April 1946 5:15 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

The Chief Prosecutors and Defense Counsel, or their representatives, were present.

The purpose of the meeting was to discuss methods to reduce the amount of translation in connection with the Defense Document Books.

After discussion in which general agreement was reached, the Tribunal decided that the following procedure would be tried out:

Defense Counsel should mark the passages in their document books that they want translated. They should then submit these passages to the Prosecution and should confer with the Prosecution in order to see whether it is really necessary that those passages be translated. The Prosecution will, in some instances no doubt, suggest to Defense Counsel that certain extracts are cumulative or irrelevant or of so little importance that they may not have to be translated. In some instances, where there are many documents, certain parts of the documents need not be translated and in that way, where there are very large numbers, the burden of the translation will be reduced. Where there would be a great difference of opinion, the matter might be submitted to the Tribunal. There will be, of course, a number of differences of opinion and in certain cases the Tribunal may think that they should go to translation. It is a preliminary examination solely designed for the purpose of saving the translating division unnecessary work.

THE MEETING ADJOURNED AT 5:45 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0056

No. 66

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
2 April 1946 5:15 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

Dr. Laternser and Dr. Kubuschok were present representing Defense Counsel for the indicted organizations.

A number of applications have been received from defense counsel for the accused organizations to submit questionnaires on certain matters to inmates of Internment Camps. In addition, Dr. Kubuschok has applied for the right to submit affidavits on behalf of members of the organizations. After consideration of these proposals, the Tribunal directs:

Defense counsel shall have the right to file affidavits taken from witnesses on behalf of the organizations, providing their evidence is relevant and not cumulative. In accordance, however, with paragraph 5 of the order of the Tribunal dated 13 March, it is considered that the sending of interrogatories in appropriate cases is to be preferred. The prosecution shall be entitled to issue cross interrogatories.

Counsel shall be permitted to send questionnaires to specified individuals in Internment Camps or elsewhere, to obtain answers to certain questions for their own information.

The request of defense counsel for the SA to have questionnaires published in the Press and on the wireless is denied. The Tribunal considers that sufficient notice has already been given to members of the accused organizations to enable counsel to obtain representative witnesses to give evidence in accordance with paragraph 6 of the Order of 13 March 1946.

THE MEETING ADJOURNED AT 5:50 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0057

No. 65

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
28 March 1946 2:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Request of von Runstedt to be heard as a witness:
   Decision was made that this application should be turned over to Dr. Laternser for his information and such action as he may desire.

2. Prosecution's comment in respect to calling Lothar Streicher as a witness:
   The Tribunal directed that the passage referring to Streicher should be struck out of the transcript.

3. Payment of fees to Counsel representing a defendant and an organization:
   The Tribunal decided that a counsel representing a defendant and an organization should be paid the same amount as a counsel representing two defendants.

4. Request dated 5 March 1946 from Kranzbuehler for further advance of 2,000 RM:
   Decision was made that this request should be granted.

5. Memorandum from General Mitchell dated 7 March 1946 addressed to the Tribunal, transmitting a memorandum from Legal Division, Control Council, respecting witness fees and transportation costs for witnesses:
   Decision was made to adopt the recommendation as stated in principle for the guidance of the General Secretary and that the details should be left to him, with the exception of the phrase "in accordance with their average income", which is to be struck out.

6. Application by Frick for files of Foreign Affairs Committee of German Reichstag:
   This application was granted by means of interrogatories.

7. Five applications made by Defense Counsel on behalf of SS, SD, and Gestapo:
   a. Gazette of the Waffen-SS
   b. "The Black Corps"
   c. SS Manuals
   d. Collection of Verdicts of the Supreme SS Court
      These documents if not already in the defendant's possession will be made available. Passages which defendant's counsel wish to use may be included in their document books. The question of admissibility will be finally determined when each document is offered in evidence.
   e. "Beyond All Fronts"
      Denied.

8. Application by Ribbentrop for "History of the Era Preceding the War in the East", by Gafencu:
   Denied.

9. The General Secretary was directed by the Tribunal to reiterate the order, both to the Defense and to the Prosecution, regarding the translation of documents.

THE MEETING ADJOURNED AT 2:30 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

Gen. Mitchell

No. 64

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
23 March 1946 11:30 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. Supplementary applications for witnesses and documents were discussed by the Tribunal. Decisions will be made as a separate order.

2. Report by Dr. Kauffmann concerning attacks on him in a newspaper:
The Tribunal directed the General Secretary to forward the communication to the Allied Control Council for Germany, calling their attention to the fact that this article was published prior to the time the Tribunal forwarded the letter concerning the newspaper attack on Dr. Marx, and therefore, this article is not considered a violation of the Tribunal's order of 5 March 1946. The General Secretary was further instructed to send a note to Dr. Kauffmann, stating that the matter has been before the Tribunal and that an investigation is being made.

3. Request by Dr. Nelte on a ruling on evidence to be submitted:
The Tribunal decided that Dr. Nelte should be entitled to present affidavits from Halder, Warlimont, Raeder and Doenitz, provided that they are relevant and that those witnesses would be submitted to cross-examination if desired by the Prosecution on the matters referred to in Dr. Nelte's letter of 19 March 1946.

4. Request by Dr. Nelte to clarify certain questions of competency and conditions under which orders were given:
Decision was made that an affidavit might be used upon the subjects referred to in Dr. Nelte's letter of 19 March 1946, provided that the affidavit is relevant and is submitted in the defendant Keitel's document book, and that Keitel is submitted for examination and cross-examination.

5. Tracing of Interrogatories to Messersmith:
The Tribunal directed the General Secretary to send a telegram to the Secretary of State of the United States of America, in substance as follows:

> International Military Tribunal greatly disturbed at delay in receiving answer to Messersmith's interrogatories dispatched in February for defendants Goering and Frick. Tribunal has requested me to send this cable to you and ask if you could cable reply as to situation.

THE MEETING ADJOURNED AT 1:30 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0058

file

Palace of Justice
Nurnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
22 March 1946 2:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

The Meeting agreed on an order concerning the reading of documents, the repetition of evidence by the defendants and the competency of extracts from books, etc., to be announced in Court by the President immediately after the executive session.

M. de Vabres desired that it be recorded in the minutes that he made an express reservation on paragraph one (1) of the decision that was about to be announced.

THE MEETING ADJOURNED AT 2:35 PM

W. L. Mitchell

W. L. MITCHELL,
Brigadier General, U.S. Army
General Secretary

H2786 – 0059

Announcement made in Court by the President 22 March 1946

THE PRESIDENT: In considering the matters which have been raised this morning, the Tribunal has had in mind the necessity for a fair trial and at the same time for an expeditious trial, and the Tribunal has decided that for the present it will proceed under rules heretofore announced; that is to say:

First. Documents translated into the four languages may be introduced without being read but in introducing them, counsel may summarize them or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important.

Secondly, when a document is offered, the Tribunal will hear any objections that may be offered to it and in this connection, I would refer to the rule which the Tribunal made on the 8th of March 1946, which reads as follows:

"To avoid unnecessary translations, Defense Counsel shall indicate to the prosecution the exact passages in all documents which they propose to use in order that the prosecution may have an opportunity to object to irrelevant passages. In the event of disagreement between ~~between~~ the prosecution and the defense as to the relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated, unless the prosecution require translation of the entire document."

The Tribunal has allowed the Defendant Goering, who has given evidence first of the defendants and who has proclaimed himself to be responsible as the second leader of Nazi Germany, to give his evidence without any interruption whatever and he has covered the whole history of the Nazi regime from its inception to the defeat of Germany.

The Tribunal does not propose to allow any of the other defendants to go over the same ground in their evidence except in so far as is necessary for their own defenses.

H2786 - 0060

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Defense counsel are advised that the Tribunal will not ordinarily regard as competent evidence, extracts from books or articles expressing the opinions of particular authors on matters of ethics, history, or particular events.

Now, as to tomorrow's business, the Tribunal will sit in open session for the purpose of hearing applications for witnesses and documents, supplementary applications; and after sitting in that open session, the Tribunal will adjourn into a closed session.

H2786 - 0062

Original File No 63

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
12 March 1946 4:30 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

I. It was agreed to adopt the following order with respect to further proceedings on the charge against organizations and the applications of members thereof to be heard:

1. The Tribunal directs that Counsel for the Defendant Organizations shall be entitled to visit any Civilian Internment Camp, Prisoner of War Camp, Prison or Enclosure or other place where members of the Organizations are to be found in the four zones of occupation of Germany and from which applications under Article 9 of the Charter have been received, for the purpose of selecting witnesses to be brought to Nurnberg to give evidence on the criminal or non-criminal character of the accused Organizations.

2. An Officer shall be appointed to accompany Defense Counsel to Camps or other places whose duty shall be to ensure that Defense Counsel are afforded access to members of accused Organizations interned or at liberty and that subject to security regulations they shall receive facilities for consultation with any persons they may desire to select as witnesses and he shall render every assistance that may permit a free and unfettered selection. In addition, the said officer shall have power to control and limit as directed by the Tribunal the number of witnesses to be brought to Nurnberg.

3. In the selection of such witnesses, the Tribunal directs that Counsel for the Defense shall have regard only to the choice of persons possessing knowledge of matters relevant to the criminal or non-criminal character of the Organizations as provided in paragraph 6 hereunder.

4. When these persons have been brought to Nurnberg, Counsel shall have free access to them for the purpose of ascertaining which, if any of them, Counsel desire to call as witnesses before the Tribunal and which, if any of them, they desire to examine before a Commissioner. At such examination before a Commissioner, Counsel for the Defense and for the Prosecution shall have the usual rights of examination, cross-examination, and re-examination and evidence taken shall be recorded by the Commissioner. The Commissioner shall be Lt. Colonel Neave and he shall have power to hear evidence in Nurnberg or in exceptional cases elsewhere at his discretion, and shall recommend to the Tribunal suitable persons to be appointed Assistant Commissioners if the necessity should arise. This Order shall be carried out under the direction of Lt. Colonel A.M.S. Neave, in collaboration with the Office of the General Secretary and subject to necessary security regulations.

5. After such selection of oral witnesses and examination of other persons, Counsel may apply to the Tribunal for leave to call the selected oral witnesses and to offer the evidence of the persons examined provided that their evidence is relevant and not cumulative. Counsel shall also be entitled to apply to the Tribunal to send interrogatories in appropriate cases.

6. (a) In this proceeding, evidence is considered to be relevant which bears upon the following issues:

(a) Whether the Organizations or group charged consisted substantially of an aggregation of persons sharing a general common purpose to engage in activity defined as criminal under Article 6 of the Charter, and, in this connection, what the aims, tasks, activities, methods, structure and component parts of the Organization were;

(b) Whether membership in the Organization or group was generally voluntary or the result of physical compulsion or legal decree;

(c) Whether the purposes or activities of the Organization or group, defined as criminal under Article 6 of the Charter, were open and notorious or otherwise generally known to the members, so that its membership in general may justly be held to have had knowledge of them at some relevant time.

(d) Evidence is not considered to be relevant in this proceeding which bears only on whether a particular individual was a voluntary or involuntary member or whether he was or was not ignorant of criminal purpose and innocent of criminal activity.

(e) While the Tribunal has concluded that evidence may be taken bearing on the issues defined in paragraph 6(a) hereof, it reserves its judgment as to the materiality of each of these issues in the determination of the criminality of groups or Organizations under Article 9 of the Charter.

7. Nothing in this Order shall affect the rights of the Prosecution or Defense under Article 24 (E) of the Charter.

II Dr. Stahmer's supplemental application for the following witnesses for the defendant Goering was granted provided they could be located:

Colonel Ahrens
1st Lt. Rex
2nd Lt. Hoth
Major General Eugen Oberhaeusser
1st Lt. Berg
Professor Naville

The decision was reached as the result of a vote in which the American, French and British Judges voted to grant the application.

General Nikitchenko declined to vote and desired that his reason, as stated below, be recorded in the Minutes:

> "I cannot participate in this vo te as the discussion and putting to vote by the Tribunal of a question as to whether an official Government act may be contested is a flagrant contradiction of Article 21 of the Charter."

THE MEETING ADJOURNED AT 6:45 PM.

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U. S. Army
General Secretary

H2786 – 0064

No 62.

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
12 March 1946 9:30 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

Justice Jackson, Sir David Fyfe, General Rudenko and M. Dubost for the Prosecutors - and Drs. Dix, Stahmer, Kubuschok and Kranzbuehler representing all Defense Counsel were present.

The Tribunal heard discussion by the Chief Prosecutors and Defense Counsel on the following memorandum published by the President:

"11 March 1946

MEMORANDUM TO: Counsel for Prosecution and Defense.

1. The experience of today leads the Tribunal to think that it will be necessary to do two (2) things:

a. Provide that one counsel only shall be permitted to cross-examine on behalf of the Prosecution and he must deal with all the questions by arrangement with the other Prosecutors.

b. Provide that when witnesses for an individual defendant are called, the other Defense Counsel must not do more than elicit from the witness specific matters they require for their case, but must not undertake a roving cross-examination over the whole case.

2. The Defense shall be called first.

3. The Tribunal will hear counsel for the Prosecution and Defense on this subject at 9:30 A.M. tomorrow, March 12th. Chief Prosecutors or their representatives and four (4) defense counsel to represent all the others."

After hearing discussion, the Tribunal decided to consider the matter further.

THE MEETING ADJOURNED AT 10:40 AM.

W L Mitchell
W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 – 0065

No 61.

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
6 March 1946 4:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Printing of Court Transcripts.

The Tribunal agreed to adopt the following resolution pertaining to the printing of the transcripts:

a. That the official revised transcript of the proceedings in Court be printed officially on behalf of the Tribunal in English, French, German, and Russian as soon as the texts have been certified.

b. That the General Secretary be authorized to arrange for the employment of a Director of Printing, with necessary staff and facilities, who shall be charged with the duty of printing the transcript and settling all technical problems of supply and similar matters.

c. That the General Secretary be charged with the editorial supervision of the work, and that he be directed to carry this out in such a manner as to facilitate the addition of further material whenever the Tribunal so decides.

d. That, for the purpose of obtaining the necessary supplies and funds, the General Secretary be directed to proceed on the basis of Lt. Commander Steer's memorandum of 19 February 1946.

e. That the Control Council be informed of the Tribunal's resolution and be requested to grant the necessary facilities in respect to paper, materials, and funds.

2. Indicted organizations.

The Tribunal heard discussion from the Chief Prosecutors and defense lawyers of the organizations in regard to the collection of evidence and the hearing of witnesses from members of the organizations.

THE MEETING ADJOURNED AT 6:15 PM.

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0066

No. 60

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
4 March 1946 3:30 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Memorandum from Lt. Colonel Neave 5 February 1946 with Appendix No. 1 being memorandum from von Rohrscheidt:
The Tribunal decided that Lord Justice Lawrence is to interview Dr. von Rohrscheidt.

2. Memorandum dated 19 February 1946 from Lt. Commander Steer regarding: Reproduction of Final Revised Transcript in English:
The Tribunal decided there was insufficient information to be able to decide the question at this meeting. The General Secretary was instructed to call a meeting of the committee appointed to recommend on the preparation of the transcript which would study the matter and submit a report to the Tribunal on 5 March 1946.

3. Letter from James Wakefield Burke dated 15 February 1946 addressed to Major Deane, together with memorandum from Major Deane to General Watson and endorsement by General Watson to the General Secretary, subject matter: questions for Goering regarding aircraft.
The General Secretary will write refusing the request.

4. Memorandum from Dr. Babel dated 14 February 1946 regarding separation of defense of SD from the defense of the SS:
Before deciding this matter it was decided that Colonel Neave will interview the counsel for the Gestapo, ~~concerning the same question,~~ and report back.

5. Memorandum from Dr. Stahmer dated 21 February 1946 with an application calling for records of the Foreign Office, London re facts by the witness Berger Dahleus:
The Tribunal advised the General Secretary to coordinate with Prosecution.

6. Memorandum from attorney Boehm on behalf of the six organizations defense counsel requesting access to libraries to the League of Nations and the International Labor Bureau through Dr. Martin Loeffler:
The Tribunal will allow Dr. Loeffler to go there.

7. Memorandum from Dr. Bergold, counsel for defendant Bormann, petitioning the Tribunal to permit him to recapitulate witnesses and documents at a later date.
Application granted. Lord Justice Lawrence to announce tomorrow.

8. Application on behalf of the Czechoslovakian government dated 26 February for permission to have photographs made of all documents relating to crimes against Czechoslovakia.
The Tribunal agreed to grant the request of the Czech government.

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IMT Meeting - 4 March 1946

9. Petition by 6 defense counsel dated 25 February 1946 to have an American attorney placed at the disposal of the defense to advise on Anglo-American law.

Letter will be drafted by the Tribunal.

10. Memorandum from Dr. Horn, counsel for Ribbentrop, setting forth the reasons for his application for Winston Churchill as a witness, together with an interrogatory should the Tribunal decline to allow Churchill as a witness.

The Tribunal agreed to reject the application as irrelevant.

11. Memorandum from Dr. Horn dated 27 February setting forth reasons for requesting 4 foreign newspapers.

The Tribunal rejected Dr. Horn's application.

12. Memorandum from Dr. Marx, counsel for Streicher, calling the Tribunal's attention to articles appearing in the Press, criticizing defense counsel and asking for action by the Tribunal to relieve such criticism.

The Tribunal agreed that the President of the Tribunal would read a statement in open court.

13. Mr. Dodd's letter of 1 March 1946 regarding removal of the Mauthausen Concentration Camp death books,(USA Exhibit 250, 251),for the purpose of use in the forthcoming Mauthausen trials, was considered.

Agreed that the exhibits could be withdrawn provided the documents will be returned to the Tribunal at any time during the trials when they may become necessary.

14. The Tribunal considered a suggestion by Dr. Babel, counsel for the SS, that the trial of criminal organizations should be separated from the main proceedings.

Separate trial would be contrary to the Charter and is rejected.

THE MEETING ADJOURNED AT 6:10 PM.

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U. S. Army
General Secretary

H2786 - 0068

No. 59

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
21 Feb 46 5:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. After further discussion of Dr. Stahmer's letter dated 4 February 1946, Subject: "Questions of Defense Procedure", the Tribunal ruled on Paragraphs V, VI, and VII of the letter (the parts not yet acted on) as follows:

   Par. V - Preparation of Translations:

   Agreed with Dr. Stahmer's recommendation except that six (6) copies of the documentary file will be handed over to the General Secretary about two weeks before the Defense Counsel presumably will take his turn.

   Par. VI - General Legal Questions:

   One defense counsel on behalf of all the others shall make his general statement on legal questions after the evidence is submitted and such argument will be limited to not more than one (1) court session. In this connection the Court will not hear any argument on legal jurisdiction.

   It is suggested that Defense Counsel for the Defendants submit the written text of their statements to the General Secretary a few days in advance for the purpose of translation.

   Par. VII - Scope of the Concluding Speeches of the Defendants:

   The Charter provides that, immediately before the Tribunal delivers its judgment, each defendant make a statement. Since the defendants have the right to testify on their own behalf, their final statements should not deal with the evidence, but should deal with any additional matters before the judgment and sentence is pronounced.

   The Tribunal further ruled that these rules of procedure are not rigid and inflexible but are subject to change at any time considered necessary by the Tribunal.

2. The question arose as to whether a defendant should give his testimony from the witness stand or from the dock when he wished to testify:

   After discussion, it was agreed that the President should consult with General Watson as to security measures and then report to the Tribunal.

3. In regard to the motion as to "Evidence of defendants" submitted by the Chief Prosecutors on 11 February 1946, the Tribunal ruled as follows on Paragraphs 2, 3, 4, and 5 of the motion (Par. 1 having been acted on previously):

   Par. 2. It is unnecessary to make any rule on this subject.
   Pars. 3, 4, and 5. Denied.

THE MEETING ADJOURNED AT 6:25 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0069

No. 58A

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
20 Feb 46 3:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

The Tribunal ruled on Paragraphs IV 3 and 4 of Dr. Stahmer's letter of 4 February 1946 as follows:

1. A defendant who does not wish to testify cannot be compelled to do so, but may be interrogated by the Tribunal at any time under Articles 17 (b) and 24 (f) of the Charter.

2. A defendant can only testify once.

3. A defendant who wishes to testify on his own behalf shall do so during the presentation of his own defense. The right of defense counsel and of the Prosecution under Article 24 (g) of the Charter to interrogate and cross-examine a defendant who gives testimony shall be exercised at that time.

4. A defendant who does not wish to testify on his own behalf but who is willing to testify on behalf of one of his co-defendants may do so during the presentation of the case of the co-defendant. Counsel for other co-defendants and for the Prosecution shall examine and cross-examine him when he has concluded his testimony on behalf of the co-defendant.

5. Paragraphs 1, 2, 3, and 4 do not limit the power of the Tribunal to allow a defendant to be recalled for further testimony in exceptional cases, if in the opinion of the Tribunal the interest of justice so requires.

THE MEETING ADJOURNED AT 3:50 PM

W L Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 -0070

No. 58

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
19 Feb 46 5:15 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Dr. Kranzbuehler's (Counsel for Doenitz) request for documents which appeared on Set 43 but were not considered with that set, together with reply from Prosecution, revised request by Kranzbuehler and subsequent reply by Prosecution:

Dr. Kranzbuehler and Sir David Maxwell Fyfe and Colonel Phillimore were present to discuss before the Tribunal the points of issue in this request. After their discussion had been presented, the members of the Prosecution and Defense withdrew.

The Tribunal ruled that the application for documents made by Dr. Kranzbuehler as amended by his revised application dated 11 February 1946, be granted for items 1 to 7 inclusive (in this revised application, Dr. Kranzbuehler withdrew items 4, 5b, 5e, and 5f).

With reference to documents requested in Paragraph 8, the Admiralty shall be asked by the British Prosecutors to state the substance of orders given to Merchant ships with reference to submarines and the dates of such orders. If this information is not considered sufficient by Dr. Kranzbuehler, he is to make further application.

2. Memorandum from Dr. Merkel recommending separation of the proceedings against the Gestapo from the main trial:

The Tribunal refused the application by Dr. Merkel for separation of the proceedings against the Gestapo from the main trial.

3. Decision requested by General Secretary concerning the Transcript of the Court Record as pertains to the Opening Speeches by the Chief Prosecutors:

The request made by Justice Jackson to revise his speech so as to put it in a form more adaptable for reading (without involving a change in substance) is allowed, insofar as it applies only to speeches and presentations. The same rights are to be given to each Prosecutor, subject to final approval by the Tribunal. This decision is not to be announced publicly.

4. Memorandum from Chief, Legal Division, Control Commission for Germany, dated 9 February 1946 and memorandum from William J. Dickman to Charles Fahy, Legal Division, OMGUS, in regard to fees for the German Defense Counsel:

The Tribunal decided that each Defense Counsel is to be paid another interim payment of 5,000 RM now, making a total of 10,000 RM paid up to date.

5. Memorandum from Ludinghausen, Counsel for von Neurath, requesting a further advance of 10,000 RM and permission to attend to personal affairs in Berlin:

The Tribunal granted Dr. Ludinghausen 5,000 RM to be paid at present.

THE MEETING ADJOURNED AT 6:45 PM

W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2786 - 0071

No. 57

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
18 Feb 46 4:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Court Recess Requested by Defense:
   The Tribunal decided that no court recess would be granted as they believe that the time spent in court on criminal organizations and in discussion of further applications should provide ample time for the Defense to prepare their case. It was also decided that no specific number of days to be spent in these discussions would be announced. Announcement of this decision is to be made in court on Tuesday, 19 February 1946.

2. Further discussion was held on Dr. Stahmer's letter.

THE MEETING ADJOURNED AT 5:45 PM

W.L. Mitchell
Brigadier General USArmy.
General Secretary.

K2786 – 0072

No. 56

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
16 Feb 46 10:00 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

The following matters were introduced for discussion:

1. Motion on behalf of all Chief Prosecutors dated 11 February 1946, Subject: "Motion as to Evidence of Defendants".

2. Motion by Dr. Stahmer on behalf of all Defendants' Counsel, dated 4 February 1946, Subject: "Question of Defense Procedure".

Justice Jackson, Sir David Fyfe, General Rudenko, M. Dubost and members of their staffs were present to present the views of the Prosecution.

Dr. Stahmer, Dr. Kranzbuehler, Dr. Exner and Dr. Siemers were present to present the views of the Defense.

After full discussion of both subjects, the Tribunal decided to call a recess until later in the afternoon.

The meeting recessed from 1:10 PM until 2:00 PM.

At the afternoon session Lord Justice Lawrence presided and all members of the Tribunal and their Alternates were present.

With respect to the motion by the Chief Prosecutors, the Tribunal decided to reject Paragraph 1 of the Prosecution's motion and to announce later their decision with regard to Paragraphs 2-5 of that motion. It was further agreed that an order to that effect would be drafted and read by the President in open court at 10:00 AM, 18 February 1946.

With respect to the motion by Dr. Stahmer, the Tribunal decided as follows (paragraph numbers below refer to Dr. Stahmer's letter):

1. Naming of Witnesses:

The Tribunal decided to draft an order on this matter, which would be read by the President in open court at 10:00 AM, 18 February 1946, and which would contain in substance the following statements:

> Counsel for Defense must submit in writing the names of the witnesses and of the documents that they propose to use and state the evidence and relevancy thereof. The Tribunal will then set dates for argument on all of these applications at a public session.
>
> In order to expedite the case, the Tribunal now fixes next Saturday as the date on which they will hear applications for witnesses and documents of Counsel for the first four defendants on the Indictment.

H2786 - 0073

IMT Meeting - 16 Feb 46

II. Presentation of Evidence:

1. The Tribunal agreed with Dr. Stahmer's recommendation.

2. The Tribunal ruled that second defense counsel or assistant were not to address the Tribunal or participate in the examination of witnesses. There is no objection to second counsel being present to help in handling documents.

III. Documentary Evidence:

1. The Tribunal agreed with Dr. Stahmer's recommendation.

2. The Tribunal agreed with Dr. Stahmer's recommendation, but further ruled that when a document is not in the possession of the Tribunal and a copy or excerpt is offered, the copy or excerpt shall be certified as being correct by an appropriate certificate.

3. The Tribunal agreed with Dr. Stahmer's recommendation, but further ruled that the document file was to be submitted two weeks in advance if possible.

IV. Evidence of Witnesses:

1. The Tribunal agreed with Dr. Stahmer's recommendation, but further ruled that Defense Counsel would make their requests for witnesses to the General Secretary at least three weeks in advance wherever possible.

2. The Tribunal agreed with this recommendation.

3. The Tribunal ruled as follows:

> A defendant who wishes to testify as a witness in his own behalf may do so at any stage of the presentation of his defense. If the defendant testifies at the beginning of the presentation of the case, his Counsel may make application thereafter to call him again should circumstances make it necessary. The Tribunal can ask questions at any time, and the Prosecution can interrogate only through cross-examination.
>
> (Motion was approved by a vote of 3 to 1. General Nikitchenko voted against the motion as he considered it against the provisions of the Charter.)

4. It was agreed as follows:

> One defendant cannot call on another defendant against that defendant's wish, but can do so with the defendant's consent. If a defendant wishes to give testimony, he may be interrogated.
>
> Can a defendant be compelled to give evidence if he refuses to do so? The Tribunal decided by a vote of 3 to 1 that he could not. (Mr. Biddle voted against the proposition that a witness was not compellable.)

It was decided that the decisions in sub-paragraphs 3 and 4 above would be tentative only and final decision on these matters would be held in abeyance pending further discussion.

It was also decided that when final agreement on paragraphs II - VII, inclusive, of Dr. Stahmer's letter had been made, an order would be drafted containing the Tribunal's decisions and read in open court by the President.

THE MEETING ADJOURNED AT 5:15 PM.

W. L. Mitchell
Brigadier General U.S. Army
General Secretary

H2786 - 0074

No. 55

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
9 Feb 46 11:30 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

1. Colonel Dostert, Chief of the Translation Division, requested instructions as to the extent of rectification that should be made in erroneously translated documents that have been cited during the proceedings:
   The Tribunal decided that authority to make corrections in cited documents should be granted to the Translation Division. Decision was also made to supply corrected copies of previously erroneously translated documents. The Tribunal also ruled that corrected copies of documents so amended should be supplied to the General Secretary to be inserted in the proper documents.

Lord Justice Lawrence presented the agenda:

2. Request of United Press representative to obtain news stories concerning the defendants from the Prison Psychologist:
   The Tribunal is of the opinion that it would be improper to allow the publishing of these stories at this time, and that the decision should be reported verbally by the General Secretary to the Commanding General of the IMT Command (Prov) who had requested the decision.

3. The Tribunal moved a vote of thanks to Mr. Herbert Wechsler and Professor Tzeinin, Technical Advisors, for their assistance in examining and recommending upon the applications for witnesses and documents presented to the Tribunal.

4. Applications for Witnesses and Interrogatories:

FRICK

1. Diels (Witness)
   Returned to Counsel for more specific information.
2. Deluege (Witness)
   To be alerted.
3. Ambassador Messersmith (Witness)
   Granted interrogatory.
4. Schiffke (Witness)
   Gillhuber (Witness)
   Radtke (Witness)
   Choice of 1 to be alerted.
5. Stuckart (Witness)
   Already available for Keitel.

KEITEL

1. Dr. Erbe (Witness)
   To be alerted and counsel to submit interrogatory.
2. Lammers (Witness)
   Already available for several other defendants.
3. Otto Wettberg (Witness)
   Granted interrogatory.

H2786 -0075

IMT Meeting - 9 Feb 46

VON PAPEN

1. Baroness de Nothomb (Interrogatory)
   Denied - irrelevant.
2. Gawronski (Witness)
   Granted interrogatory.
3. Admiral Horthy (Witness)
   Granted interrogatory.
4. Kroll (Witness)
   Returned for further particulars.

GOERING

1. Kammerhuber (Witness)
   Granted interrogatory.
2. Von Hammerstein (Witness)
   Granted interrogatory.
3. Lohse (Witness)
   Granted interrogatory.

RAEDER

1. Lackorn (Witness)
   Returned for further evidence of proof.
2. Wagner (Witness)
   To be alerted.
3. Albrecht (Witness)
   Granted interrogatory.
4. Whist (Witness)
   Denied - irrelevant.
5. Schreiber (Witness)
   To be alerted.
6. Schulte-Moenting (Witness)
   To be alerted - subject to a possible later selection.
7. Admiral Lohmann (Witness)
   To be alerted - subject to an ultimate selection by the defendant.
8. Admiral Schultze (Witness)
   Granted interrogatories.

DOENITZ

1. Rear Admiral Kreisch (Interrogatory)
   Captain Roestring (Interrogatory)
   Captain Suhren (Interrogatory)
   Granted interrogatories - the question submitted by the prosecution to be added as a cross-interrogatory.

STREICHER

1. Mrs. Herrwerth (Witness)
   Denied - cumulative .
2. Lothar Streicher (Witness)
   Denied - irrelevant.
3. Hiemer (Witness)
   Denied - irrelevant.

RIBBENTROP

1. Ernest Tennant (Witness)
   Denied - irrelevant.
2. Lord Darbey (Witness)
   Denied - irrelevant.
3. Sir Alexander Walker (Witness)
   Denied - irrelevant.
4. Weigalt (Witness)
   Denied - irrelevant.

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RIBBENTROP (Cont'd)

5. Professor Conwell-Evans (Witness)
   Denied - irrelevant.
6. Duke of Bucclaugh (Witness)
   Denied - irrelevant.
7. Duke of Windsor (Witness)
   Denied - irrelevant.
8. Bishop of Chichester (Witness)
   Denied - irrelevant.
9. Archbishop of Canterbury (Witness)
   Denied - irrelevant.

FUNK

1. Dr. Schwedler (Witness)
   To be alerted.
2. Reinhardt (Witness)
   Denied - irrelevant
3. Furtwaengler (Witness)
   Denied - irrelevant
4. Emil Jannings (Witness)
   Denied - irrelevant

FRANK

1. Von Dam Bach-Zelewski (Witness)
   To be alerted.

VON SCHIRACH

1. Professor Hoffman (Witness)
   To be alerted.

SAUCKEL

1. Friebe (Witness)
   To be alerted.

   Coch
   Reche
   Biedermann

   If Friebe cannot be found within a reasonable time, similar action should be taken with each of the other witnesses until one of them is found.

ROSENBERG

1. Scheidt (Witness)
   Granted interrogatory.

SS

1. SS Obergruppenfuehrer and General of the SS Hauser
   SS Gruppenfuehrer of the Waffen SS Steiner
   Obergruppenfuehrer and General of the SS Juettner
   Obergruppenfuehrer Richard Hildebrand
   Brigadefuehrer Maack
   SS Gruppenfuehrer and Major General of the Waffen SS Ohlendorf
   SS Brigadefuehrer Schellenberg
   SS Obergruppenfuehrer and General of the Waffen SS von dem Bach
   These potential witnesses to be brought to Nurnberg and made available to counsel for the organization if he wishes to interrogate them as an aid to preparing his defense - subject to security regulations.
2. SS Standartenfuehrer Wolfram Sievers
   Consultation permitted upon notice to the prosecution.

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5. Applications for Documents:

KEITEL

1. Service Manual for the Army
   Granted.
2. Special Penal Laws in Time of War (German Army Publication)
   Granted.

FRANK

1. Files referring to Frank in the State Police Offices
   Granted.
2. Files embodying an exchange of letters between Frank as Governor-General of the Reichschancellory in Berlin
   Granted.

GOERING

1. Sista Foersocket
   Granted.

SAUCKEL

1. Reichsarbeitsblatt, 1944, Parts I and II
   Granted.

SEYSS-INQUART

1. "A Pact with Hitler"
   Granted.

SCHIRACH

1. "People and Reich"
   Granted.
2. "The Cressot"
   Denied.
3. "Look, the Heart of Europe"
   Denied.

FUNK

1. The record of testimony by Blaha at the Dachau Trials
   Efforts should be made to enable counsel to examine record of Blaha's testimony at the previous trial, if a stenographic record was maintained.
2. Speeches of Funk made in 1944 in Vienna and at Koenigsberg, said to be available at the Reichsbank in Berlin.
   Granted.

SA

1. Court Records against Franzrab, Frankfurt
   Denied.

POLITICAL LEADERS

1. "History of the Communist Party"
   Denied.

THE TRIBUNAL ADJOURNED AT 1:00 PM.

W. L. Mitchell

W. L. MITCHELL
Brigadier General, US Army
General Secretary

H2786 - 0078

No. ~~53~~ 54

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
26 Jan 1945 10:00 PM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present:

Lord Justice Lawrence presented the Agenda:

1. Request from Mr. Dodd for permission to withdraw the original of USA Exhibit #76 and substitute a photostat copy. (USA Exhibit #76 is a transcript of GOERING'S telephone conversation concerning Austria:

   The General Secretary was instructed to advise Mr. Dodd that either Mr. Justice Jackson, or somebody expressly authorized by him, should make the application for the withdrawal of the document, in accordance with the rule for the withdrawal of documents.

   General Rule: Documents can be withdrawn only upon application of the Chief Prosecutors, or somebody expressly authorized by them.

2. Request, dated 10 Jan 1946, from General Warlimont that the Deputy Chief of the Operations Staff of the High Command (D.Ch.O.St.) be dropped from the Indictment as not belonging to it:

   General Warlimont to be advised that this matter can be dealt with when Counsel for the High Command makes his argument. (A copy of the letter to General Warlimont is to be sent to Counsel for the High Command).

3. Request, dated 15 Jan 1946, from Dr. Merkel (Counsel for the Gestapo), for the names of all principal camps in all Zones of Germany and Austria in which members of the Gestapo are under arrest:

   The Tribunal decided to leave this matter up to the General Secretary, who will make a reasonable effort to obtain and furnish the information to Counsel for the Gestapo.

4. Request, dated 19 Jan 1946, from Dr. Nelte (Counsel for Keitel) for permission to explain documents when they are produced and read, and to state what proof is intended by the documents:

   Counsel to be advised that they have the same rights as the Prosecution to comment shortly in order to explain documents when presented, but they are to avoid any lengthy argument.

5. Request from Dr. Babel (Counsel for the SS), dated 17 Jan 1946, for release as Defense Counsel for the organization SD:

   The Tribunal discussed the representation of the SS and SD in detail, and made the following decisions:

   1. The General Secretary was instructed to request Dr. Babel to give further particulars for the difference in interests of the SS and SD;

   2. To appoint an additional counsel for the SS and SD, with equal authority to Dr. Babel, and equal pay. The General Secretary was instructed to make an initial payment of 2000 Rm. to the additional counsel, when selected.

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6. Comments submitted by Prosecution objecting to certain questions included in Interrogatories which had been submitted by Defendants JODL and RIBBENTROP:

   1. Regarding the objections submitted by the Prosecution, the General Secretary was instructed to return the Interrogatories to Counsel, with the instructions that the Tribunal considers them too vague, and requesting that they be framed more specifically.

   2. The General Secretary was authorized in the future to try and adjust differences between Prosecution and Defense Counsel when objections are made to Interrogatories. If Counsel insists upon a particular question, to which Prosecution has objected, then the matter is to be brought to the attention of the Tribunal.

7. Appointment of Dr. Paul Leverkuehn as Defense Counsel for the General Staff and High Command:

   The Tribunal confirmed its decision of 18 Jan 1946, that due to the facts contained in Dr. Leverkuehn's letter to the Tribunal, dated 15 Jan 1946, and to the objection of the Prosecution, it would be inappropriate under the circumstances to appoint him as Defense Counsel, and that their consent to his appointment was withdrawn.

8. Indicted Organizations: Applications for Witnesses

   The Tribunal instructed the General Secretary to advise Counsel for the Leadership Corps of the NSDAP that it does not desire to receive individual applications for witnesses until Prosecution has presented its summation in support of the organizational case, and Counsel for the organizations have submitted a practical program of defense.

9. Attesting of Written Affidavits:

   With reference to the inquiry from Dr. Kubuschok (Counsel for VON PAPEN), the General Secretary was instructed to advise Dr. Kubuschok that any Military Government Official competent to administer an Oath may attest written affidavits prepared for submission as evidence.

10. Judicial Notice of Documents:

    With reference to inquiry from Dr. Kubuschok (Counsel for VON PAPEN), the General Secretary was instructed to advise Dr. Kubuschok that the Tribunal will apply the same principles of judicial notice in dealing with the defendants that have been applied to the case for the Prosecution; and that these principles include published works in general circulation, provided that the attention of the Tribunal is directed to the passages in question.

11. Applications for Witnesses:

    STREICHER

    1. Fritz Herrworth (Witness)
       To be alerted.

    SCHACHT

    1. Richard Merton (Interrogatories)
       Denied as irrelevant.

    2. Dr. Ammis (Interrogatories)
       Granted.

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Schacht (Cont'd)

3. General Thomas (Interrogatories)
   Granted.

FUNK

1. Emil Puhl (Witness)
   Interrogatories granted.

2. Richard Strauss (Interrogatories)
   Denied as immaterial.

3. Count Schwerin-Krosigk (Witness)
   Interrogatories granted.

4. An Official of the Dresdner Bank, Berlin (Witness)
   Inasmuch as the evidence offered is irrelevant in defense, has such slight materiality in mitigation, and no particular person was specified, the application is denied.

5. Kuennecke (Witness)
   Denied as immaterial and irrelevant.

VON NEURATH

1. Kurt Pruefer (Witness)
   (Said to be in Geneva at present)
   To be alerted.
   If witness unwilling to come to Germany to testify, Interrogatories are granted, subject to cross-interrogatories to be submitted by Prosecution.

2. K. J. Frank (Witness)
   Dr. Voelkers (Witness)
   von Holleben (Witness)
   Voelkers to be alerted.
   Other applications to be held in abeyance pending determination whether Voelkers can be found.

VON PAPEN

1. Prinz Zu Erbach-Schoenberg (Witness)
   Returned for further particulars.

2. von Kageneck (Witness)
   Counsel to be advised that this matter cannot be considered by the Tribunal until an application is presented containing a statement of the evidence to be offered, so that its relevancy may be appreciated.

3. Dr. Visser (Interrogatories)
   Granted.

4. Archbishop Roncalli (Interrogatories)
   Granted.

5. Professor Marchionini (Interrogatories)
   Granted.

6. von Leraner (Witness)
   Interrogatories granted.

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RAEDER

1. Hermann Boehm (Witness)
   To be alerted.

KEITEL

1. Dr. Stuckart (Witness)
   To be alerted.

SEYSS-INQUART

1. Dr. Frederich Wimmer (Witness)
   To be alerted.

2. Hirschfeld (Witness)
   To be alerted.

3. Dr. Ernst Schwebel (Witness)
   To be alerted.

4. von der Wense (Witness)
   Interrogatories granted.

5. Voelkers (Witness)
   Interrogatories granted.

6. Gau Direktor Bolle (Witness)
   Denied as cumulative.

7. Fischboeck (Witness)
   To be alerted.

8. Liese (Witness)
   Denied as cumulative.

9. Hanema (Interrogatories)
   Interrogatories granted.

10. Van Dan (Affidavit)
    Denied as irrelevant.

11. Woltersum (Affidavit)
    Denied as cumulative.

12. von Brauchitsch (Affidavit)
    Already alerted as a witness and Counsel for Seyss-Inquart can question him in ordinary course.

13. Brueckner (Affidavit)
    Interrogatories granted.

14. Dr. Reuter (Affidavit)
    Interrogatories granted.

15. General von Kleffel (Affidavit)
    Interrogatories granted.

16. Moerner (Affidavit)
    Denied as cumulative to that for Dr. Reuter.

17. Shaub (Affidavit)
    Denied as irrelevant.

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GOERING

1. Limberger (Witness)
   To be alerted.

2. Koller (Witness)
   To be alerted.

3. von Ondarza (Witness)
   To be alerted.

4. Koerner (Witness)
   To be alerted.

5. Col. von Brauchitsch (Witness)
   To be alerted.

FRANK

1. von Epp (Witness)
   Denied as too remote to be relevant.

2. Beck (Witness)
   Denied as irrelevant.

3. Gruenewald (Witness)
   Counsel to be advised that application is too general. However, further application may be presented, which must be more specific of the evidence to be offered.

JODL

1. Col. Soltmann (Interrogatories)
   Interrogatories granted.

2. Lt. Col. Brudermueller (Interrogatories)
   Interrogatories granted on the first and third questions submitted; the second question is irrelevant and is therefore denied.

3. Ferdinand Jodl (Interrogatories)
   Interrogatories granted.

4. With reference to Memorandum from the Chief Prosecutors, dated 22 Jan 1946, with respect to some of the applications for Interrogatories (Toussaint, von Vormann, Koller, von Falkenstein) granted the defendant JODL by the Tribunal on 12 Jan 1946, the Tribunal decided that the questions of relevancy need not be considered by the Tribunal at this time since they may be made by the Prosecution if the Interrogatories are offered in evidence.

   The General Secretary was instructed to handle administratively Prosecution's request for a copy of the whole letter referred to in the first paragraph of the Interrogatory for von Falkenstein.

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12. Applications for Documents:

SAUCKEL

1. Reich Labor Bulletin, 1942, Part I.
   Granted.

2. Reich Labor Bulletin, Part V.
   Granted - if it can be located.

3. Manual of the Mobilization of Labor by Sauckel
   Granted.

VON NEURATH

1. Assistance Pact of 1935 between France and the USSR.
   Granted.

SCHACHT

1. Letter of Schacht to Goering of 5 August 1937.
   Granted - if it can be located.

THE TRIBUNAL ADJOURNED AT 12:05 PM.

W. L. Mitchell

W. L. MITCHELL
Brigadier General, US Army
General Secretary

H2786-0084

No. 53
52

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
14 Jan 46 2:00 PM

Lord Justice Lawrence presiding

All Members and their Alternates were present.

Lord Justice Lawrence presented the Agenda:

1. Questions raised regarding defense by the members of the High Command.

a. Request dated 20 December 1945 by Dr. Exner for clarification of certain terms regarding the General Staff in the indictment:

Words should be inserted in German translation of indictment as are missing in translation from English. Dr. Exner should be advised as to this agreement. Those missing are: "Chef des Generalstabes des Heeres" and "Stell v. Chef des Führengestabes OKW".

b. Request from General Field Marshal Walter von Brauchitsch dated 21 December 1945, on behalf of five Generals of the German Army, that a General Officer may be admitted as Chief Counsel for the accused officers, and that Dr. Leverkuehn of Hamburg may be put at the side of the Chief Counsel, and for other information:

As in previous ruling of 20 December 1945, representation by an officer cannot be allowed. No further order need be made to Dr. Leverkuehn as ruling of Tribunal of 20 December 1945 covers the case.

c. Request by General Field Marshal Erhard Milch dated 20 December 1945, on behalf of himself, Kesselring, Sperrle, and Stump, that an officer may be admitted as Chief Counsel for accused officers, with an assistant counsel, that the named officers may be heard personally by the Tribunal, and that they be informed of the accusations against them:

An officer cannot appear as counsel. Refer to counsel and inform the above officers that their requests have been referred to counsel. The General Secretary is to notify the counsel that they may apply for these officers as witnesses.

d. Letter dated 3 January 1946 from von Brauchitsch requesting the appointment of an officer belonging to the circle of the higher-ranking commanders as defense counsel, to be supported by a legal adviser to wit: Dr. Paul Leverkuehn, Hamburg:

Representation by an officer cannot be allowed. General Secretary is directed to answer the letter of 3 January 1946, stating that representation by an officer cannot be allowed but that arguments contained in the letter should be laid before the counsel, who can present them on behalf of the General Staff. Copy of letter to the Tribunal and answer are to be sent to Dr. Exner.

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Questions considered in connection with the above:

(1) Should a copy of the indictment be served upon each of those 130 officers who have been alleged by the Prosecution to have been included in the indictment:
The Tribunal decided that this should not be done.

(2) Can the complete roster of the indicted be distributed to each of the indicted:
The Tribunal decided that this matter was up to the counsel.

2. Request by Dr. Kubuschok, Attorney for von Papen, dated 18 December 1945, to have the defendant's private secretary called as a witness:
The General Secretary was instructed to advise and alert the secretary of Von Papen.

3. Questions regarding fees for defense counsel. The Tribunal is in receipt of memoranda from Dr. Boehm, Dr. Merkel, Dr. Babel, Dr. Dix, and Dr. Pannenbecker:
Information should be obtained by the General Secretary from the Legal Branch of the Control Counsel as to what fees can now be earned by German lawyers under existing conditions, and decision made accordingly.

4. Request by Dr. Merkel, Attorney for the Gestapo, dated 2 January 1946, that it be announced in all German camps where former members of the Gestapo are being held as prisoners, that they have a right to submit request to be heard, and that he is Defense Counsel for the organization:
General Secretary was authorized to state that the Tribunal does not think it necessary to make additional advertisement as ample advertisement has already been given, setting forth the rights of persons involved.

5. Request by Dr. Merkel, Counsel for the Gestapo, dated 8 January 1946, to have placed at his disposal additional help, namely, Dr. Hermann Orth and others:
There is no objection to an assistant for Dr. Merkel, but the Tribunal will not make payment for such. The General Secretary is to alert one of the four specialists and have him brought to Nurnberg.

6. Request by von Rohrscheidt dated 21 December 1945 for permission to see the minutes of the examinations conducted by the Prosecution during the interrogation of Hess, and (2) to receive copies of the reports submitted to the Prosecution by Prof. Haushofer and others. (Statement by the Prosecution has been distributed.):
Refused. Defense should be informed that if specific document or witness is wanted, application should be made.

7. Request of change of counsel for von Ribbentrop dated 8 January 1946:
Granted. No postponement or delay in the trial is authorized.

8. Applications for Witnesses:

GOERING

Sir Geo. Ogilvie Forbes

Granted choice of two interrogatories out of Halifax, Cadogen, and Forbes.

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VON RIBBENTROP

Ambassador Friedrich Gaus. Already approved as a witness by Tribunal.
State Secretary Steengracht.
Legation Counsellor Thorner.
Legation Counsellor Dr. Korat.
Secretary Margarete Blank.
Accused Rudolf Hess.
Duke Ernst von Coburg-Gotha.
Duke August-Ernst.
Paul Lehnkering.
Duke Duerkheim.
Duke of Windsor.
Duke of Bucclough.
Lord and Lady Astor.
Lord Beaverbrook. (Interrogatories have been allowed by Tribunal previously.)
Lord Derby.
Lord Kemsley. (Interrogatories have been allowed by Tribunal previously.)
Lord Londonderry. (Interrogatories have been allowed by Tribunal previously.)
Lord Monsell.
Lord Simon.
Lord Vansittart.
His Eminence (Grace) The Archbishop of Canterbury Dr. Lang.
His Eminence (Grace) The Bishop of Chichester (name unknown).
Sir Alexander Walker.
Professor Conwell-Evans.
Ambassador Craigie.
Mr. T. J. Jones.
Mr. Ernest Tennant.
Mr. Weigalt.
Mr. Ward Price.
Marquis and Marquise de Polignac.
Comte and Comtesse Jean de Castellan.
Jean Goy.
Henry Pichot.
M. Daladier.
Mr. George Bonnet.
Ambassador Abetz.
von Humann-Heimhofen.
Mrs. Anneliese von Ribbentrop.
Professor Grimm.

Von Ribbentrop's attorney is to resubmit individual applications stating precisely what facts the witness will testify to and the precise relevance of these facts to von Ribbentrop's defense.

KEITEL

Miss Rotraut Roemer.

To be alerted.

ROSENBERG

Reichstellenhauptleiter Robert Scholtz.

To be alerted. The Tribunal is to decide later whether he is to be called as a witness or is to be sent interrogatories.

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STREICHER

Dr. Pohl.

Denied. Doubtful in probative value.

VON SCHIRACH

Mrs. Marie Hoepken.

Karl Scharizer.

Choice of one to be alerted from Mrs. Marie Hoepken and Karl Scharizer.

Franz Stuppaech.

Denied. Not of sufficient importance.

Heinz Schmidt.

Guenter Kaufman.

Dr. Ernst Schluender.

Two out of these three are to be alerted.

JODL - request for interrogatories:

Col. Gen. Blaskowitz.

Interrogatories granted.

General of Infantry von Grieffenberg.

Interrogatories granted. Therefore cannot be called as a witness as previously requested and approved by the Tribunal.

Air Chief Marshal Koller.

Interrogatories granted.

General von Falkenstein.

Interrogatories granted.

Major General Christian.

Interrogatories granted.

Mr. Barros.

Interrogatories denied. Questions too remote to case.

Lt. Col. Brudermueller.

Action postponed until views of the Prosecution are obtained.

Ferdinand Jodl.

Postponed until views of the prosecution are obtained.

General of the Infantry, Toussaint.

Interrogatories allowed.

General of the Infantry von Vormann.

Interrogatories allowed. To be limited to the questions relating to the defendant's anti-Nazi attitude before 30 January 1933.

VON PAPEN

Jan Gawronski.

Return to counsel for further particulars.

FRITZSCHE

Moritz von Schirmeister.

To be alerted.

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9. Applications for Documents:

ROSENBERG

"World War Jewish question in the past and present", published: Grau, Editor: Peter Heis Seraphim No. 1/2 April-Sept. 1941.
Granted.

"Letter Rosenberg to Hitler on question of Rosenberg's dismissal from the editorship of Voekischer Beobachter."
Granted.

"Letter Rosenberg to Bormann or Hitler himself, probably end of January 1940 concerning the investigation of abandoned Jewish institutions and castles."
Returned for clarification. Description of the document and what it is intended to prove are both vague.

FRICK

"Protokelle des Auswaertigen-Ausschusses des Deutschen Reichstages v. December 1932."
Granted.

SCHACHT

"Economic thesis in Schacht's own handwriting on the problems of the Hitler period."
Granted.

"Answers to previous interrogations."
Granted.

RAEDER

"White book of German Foreign Office about Norway."
Granted.

"Amendment No. 12 in the Manual of British Military Law."
Granted.

SAUCKEL

"Fritz Sauckel's Battle Speeches, Documents from the time of the change-over and the Reconstruction."
Granted.

"National Socialist Government Activity in Thuringia 1932/1933 by Dr. Martin Schulze, Fritz Fink Publisher, Weimar."
Granted.

"National Socialist Governmental Activity in Thuringia, 1933/1934 by Dr. Martin Schulze, Fritz Fink Publisher, Weimar."
Granted.

JODL

"Letter of the first Mrs. Jodl written to Jodl on her death bed."
Granted

SEYSS-INQUART

"The truth about Austria by Guido Zernatto."
Granted.

H2786-0089

FRITZSCHE

"Archives of the report 'Deutscher Schnelldienst' of the department 'Deutsche Presse' in the Reich Ministry of Propaganda."

Granted.

LEADERSHIP CORPS OF NAZI PARTY

"The History of the Communist Party" published 1934 by State publishers in Moscow.

Denied - considered irrelevant.

"Court of Justice and Right." Author: Public Prosecutor Krylenko, Moscow.

Denied - considered irrelevant.

10. Distribution of notices of indicted organizations:

Justice Norman Birkett brought up the question as to whether or not notices have been distributed in Soviet and French Zones as no applications have been received from these two zones. It was decided that a letter should be written by Lord Justice Lawrence to the Control Council explaining the situation and asking whether any explanation can be offered.

11. Personal letters to the Tribunal from certain defendants concerning their families:

In regard to the requests from Fritzsche, Goering, and Schacht, it was decided that these matters should be forwarded to the Control Council with the communication that the Tribunal has no objection to any decision that they might make.

12. Dr. Babel's request to visit SS Hospitals:

Approved, and these matters are left to the discretion of the General Secretary in all future cases.

13. Request of Dr. Kubuschok, who represents Von Papen, that he be allowed to make a trip to interview a prospective witness.

The Tribunal decided that all trips should be made with a definite purpose in mind. The matter should be left to the General Secretary's discretion. Communication by post or wire should be made whenever possible.

14. Dr. Stahmer's request for reimbursement for travel due to breakdown of automobile (385 R/M):

The Tribunal decided that Dr. Stahmer should be reimbursed by the Tribunal by payment as an additional fee for expenses incurred in his duties as counsel.

THE MEETING ADJOURNED AT 5:00 PM

W. L. Mitchell
Brig. Gen. U.S. Army
General Secretary

H2786-0090

No. 52

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
12 Jan 1946 10:00 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present.

1. The General Secretary reported to the Tribunal the presence in the Conference Room of a Court Reporter who was making a record of the entire proceedings, on request of the French Delegation. The Tribunal made the following decision:

a. The Reporter could stay for the remainder of this session, and the Oath of secrecy was administered by the President;

b. In the future the Tribunal would adhere to its ruling that, in order to allow the Members and their Alternates an opportunity for a more informal discussion, only notes of decisions reached would be recorded;

c. The notes being taken by the Court Reporter would have no official status, were solely for the convenience of the French Justices, and were not to be published.

2. Indicted Organizations

The Tribunal discussed the draft submitted by Mr. Justice Birkett, which he had been deputed to prepare at the meeting of 5 Jan 1946, and arrived at the following decisions, to which M. de Vabres, the French Member, dissented:

a. The Tribunal cannot establish or fix the sentence to be imposed by National Courts;

b. The Tribunal cannot establish presumption of guilt or innocence;

c. The Tribunal has no jurisdiction over the National Military or Occupational Courts, its power being confined to the declaration of criminality under Article 9 of the Charter.

After further discussion, it was decided that the President would make the following Announcement in Open Court at an early date:

ANNOUNCEMENT

The Tribunal has been giving careful consideration to the duty imposed upon it by Article 9 of the Charter.

It is difficult to determine the manner in which the representatives of the named organizations shall be permitted to appear in accordance with Article 9, without considering the exact nature of the case presented for the Prosecution.

For this reason, the Tribunal has come to the conclusion that at this stage of the Trial, with many thousands of applications being

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made, the case for the Prosecution should be defined with more precision than appears in the Indictment.

In these circumstances therefore it is the intention of the Tribunal to invite argument from the Counsel for the Prosecution and for the Defense, at the conclusion of the case by all Prosecutors, in regard to the questions hereinafter set forth.

The questions which need further consideration are as follows:

1. The Charter does not define a criminal organization, and it is therefore necessary to examine the tests of criminality which must be applied and to decide the nature of the evidence to be admitted.

Many of the applicants who have made requests to be heard assert that they were conscripted into the organization, or that they were ignorant of the criminal purposes of the organization, or that they were innocent of any unlawful acts.

It will be necessary to decide whether such evidence ought to be received to rebut the charge of the criminal character of the organization, or whether such evidence ought more properly to be received at the subsequent trials under Article 10 of the Charter, when the organizations have been declared criminal, if the Tribunal so decides.

2. The question of the precise time within which the named organization is said to have been criminal is vital to the decision of the Tribunal.

The Tribunal desires to know from the Prosecution at this stage whether it is intended to adhere to the limits of time set out in the Indictment.

3. The Tribunal desires to know, whether in the light of the evidence, any class of persons included within the named organizations should be excluded from the scope of the declaration, and which, if any.

In the Indictment of the Leadership Corps of the Nazi Party, the Prosecution have reserved the right to request that Politische Leiter of subordinate grades or ranks or of other types or classes be exempted from further proceedings without prejudice to other proceedings or actions against them.

Is it the intention of the Prosecution to make any such request? If so, it should be done now.

4. The Tribunal would be glad if the Prosecution would also:

   a. Summarize in respect of each named organization the elements which, in their opinion, justify the charge of being a criminal organization.

   b. Indicate what acts on the part of individual defendants, indicted in this trial, in the sense used in Article 9 of the Charter, justify declaring the groups or organizations, of which they are members, to be criminal organizations.

   c. Submit in writing a summary of proposed findings of fact as to each organization, with respect to which a finding of criminality is asked.

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The Tribunal hopes it is not necessary to say to the Prosecution that it is not seeking to interfere with the undoubted right of the Prosecution to present its case in its own way, in the light of the full knowledge of all the documents and facts which it possesses; but the duty of the Tribunal under Article 9 of the Charter makes it essential at this time to have the case clearly and precisely defined.

THE TRIBUNAL ADJOURNED AT 1:15 PM.

W.L. Mitchell
Brig. Gen. US Army
General Secretary

H2786-0093

No. 51

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
5 Jan 1946 10:00 AM

Mr. Justice Birkett presiding

All Members and their Alternates were present, except Lord Justice Lawrence.

The following subjects were discussed and decisions made as indicated:

1. Formal Record of Proceedings of Tribunal

The Tribunal discussed at length the various problems regarding the formal record of proceedings of the Tribunal. During this discussion representatives of the Prosecution, Defense, the Soviet, British, French and American Secretaries and the Translation Division were present. The Tribunal made the following decision:

a. The Translation Division should continue the work of preparing a corrected text in English of the proceedings in Court by checking the stenographer's transcript with the film record of the proceedings.

b. This corrected text in English should be submitted to the General Secretary who should arrange with the Soviet and French Secretaries for the preparation of the corrected texts in Russian and French.

c. The General Secretary should also arrange for the preparation of a corrected text in German, and Dr. Stahmer promised the full co-operation of the Defence Counsel in this work.

d. The General Secretary, together with the four (4) National Secretaries, after consultation with the Prosecutors and the Defence Counsel, should make what minor grammatical and other emendations to the four corrected texts they consider necessary in order that the texts should be complete and without manifest error. Should the General Secretary and the four (4) National Secretaries fail to reach agreement on some of the proposed emendations, the matter is to be referred to the Tribunal for their decision.

e. The General Secretary should then issue the corrected emended texts in English, Russian, French, and German.

f. The Tribunal decided to defer for the time being the further questions relating to the form of the final record.

Lt. Comdr. Steer, of the Translation Division, undertook to supply the Tribunal with a copy of the instructions given to the staff so that the Tribunal would be aware of the principles upon which the corrected text was being prepared, and the extent of the alterations and emendations.

2. Indicted Organizations

The Tribunal decided to send a communication to the Committee of Prosecutors relating to the question of Criminal Organizations, and Sir Norman Birkett was deputed to draw up a draft communication for the consideration of the Tribunal. This draft is to be considered at a meeting to be held in the week beginning 7 Jan 1946.

H2786-0094

3. Letter dated 17 Dec 1945 containing proposals regarding representation and defense of the GESTAPO, by Dr. Merkel (Counsel for GESTAPO):
The Tribunal instructed the General Secretary to answer Dr. Merkel's letter substantially as follows:
a. No postponement will be considered.
b. In connection with your request for expert personnel, the Tribunal will be glad to entertain any specific applications which you may make to it with regard to assistance or witnesses.
The General Secretary was also instructed to furnish the Press with the above information, so they will know the application has been made and denied.

4. Memorandum from Dr. Servatius (Counsel for Leadership Corps of NSDAP), dated 15 Dec 1945, requesting additional information and an extension of time for his defense work:
The Tribunal instructed the General Secretary to write Dr. Servatius a letter somewhat similar to above - 1st, the trial will not be delayed; 2nd, matters with respect to the criminal organizations will be dealt with subsequently; and 3rd, he may apply for witnesses he wants.

5. Request from Dr. Servatius, dated 1 Jan 1946, for permission to visit Camp Fallingbostel, near Hannover, and Camp Kornwestheim, near Stuttgart, to interview interned political leaders:
Granted. However, the Tribunal decided that if Dr. Servatius wished to visit any Camps other than those specified he must make additional applications in the usual manner.

6. Request from Dr. Servatius, dated 1 Jan 1946, that Assessor Gerhard Dumke may be admitted to the Tribunal as Assistant Defense Counsel for Defendant SAUCKEL and the organization of Political Leaders:
Granted.

7. Request from Dr. Otto Kranzbuehler (Counsel for DOENITZ) for compensation in the amount of Rm. 2000:
The Tribunal decided that since Dr. Kranzbuehler is drawing no fee from the Tribunal, as Defense Counsel for DOENITZ, that he should be reimbursed for his expenses, to the extent of Rm. 2000.

8. The General Secretary requested that certain points be clarified regarding applications received from members of indicted organizations. The Tribunal decided that such applications are court documents, and the General Secretary is responsible for their custody, and the General Secretary is to use his own discretion as to which applications should be answered.

THE MEETING ADJOURNED AT 1:15 PM.

W. L. Mitchell
Brig. Gen. U.S. Army
General Secretary

H2786-0095

(No. 50)

Palace of Justice
Nürnberg

INTERNATIONAL MILITARY TRIBUNAL
Meeting
20 Dec 1945 4:15 PM

Lord Justice Lawrence presiding

All Members and their Alternates were present.

Lord Justice Lawrence presented the Agenda:

1. The Tribunal considered pending applications for Documents, and made the following decisions:

   a. GOERING

      1. Book by Winston Churchill, entitled "Step by Step" 1936-1939:
         To be obtained.

      2. "White Papers and Reports of the German Foreign Office regarding the Hague Convention or Land Warfare".
         To be obtained.

      3. Book by Neville Henderson, entitled "Failure of a Mission"
         To be obtained.

   b. ROSENBERG

      1. "Decree of Minister for Eastern Affairs", dtd 14 Dec 1945, to the Reich Komissar for the Ukraine concerning equitable treatment, etc.
         Request counsel to provide further identification and obtain, if possible.

      2. Manuscript letter from ROSENBERG to Hitler on question of ROSENBERG's dismissal from editorship of Beobachter "to take no account of ROSENBERG's personal confessions"
         To be obtained unless Prosecution raises special objection.

      3. Book by ROSENBERG, entitled "The Future Orientation of Germany's Foreign Policy"
         DENIED - as irrelevant.

   c. STREICHER

      1. "Jewish Confessions", by Dr. von Gregenwald
         DENIED - because application is not supported by counsel, and the evidence would be irrelevant.

      2. A copy of Volkischer Beobachter published after 1940 which mentions the contents of a book alleged to have been written by an American Jew named Kaufman, demanding the sterilization of all German males.
         DENIED - because application is not supported by counsel, and the evidence would be irrelevant.

      3. A book by Kaufman
         DENIED - as irrelevant.

H2786-0096

c. Streicher (continued)

4. "Mein Kampf"
DENIED - because application is not supported by counsel, and the evidence would be irrelevant.

5. Documents of the highest court of the Nazi Party, 1940, of proceedings against JULIUS STREICHER
DENIED - as irrelevant.

6. Volkischer Beobachter, 31 Mar 1933
To be obtained.

7. Documents of the Bavarian Upper Disciplinary Court in proceedings against STREICHER
DENIED - as irrelevant.

d. SCHACHT

1. Statements against Hitler; letters by Lammers in matters of administration; copies of letters addressed to FUNK, "Das Reich", Hitler, etc.
Efforts be made to obtain the documents, and if relevant to be made available to the defendant.

e. SAUCKEL

1. "Party State and Administration", written by SAUCKEL
To be obtained.

2. Verdict in the trial of High Treason of LAVAL
DENIED - as irrelevant because LAVAL's consent to the employment of French workers in the German armament industries is legally irrelevant and immaterial under the Charter.

3. The Indictment of PETAIN
PETAIN's consent to the employment of French workers in the German armament industries is legally immaterial under the Charter, and is therefore DENIED.

4. SAUCKEL's appointment book for years 1942-1943
Efforts be made to obtain the document, however, further details will be necessary if the document should later be offered in evidence.

5. A speech by SAUCKEL during the conference of Labor Employment Agencies in the Occupied Territories, made in Weimar on 6 Jan 1943 (said to be printed in the Manual for the Employment of Labor).
To be obtained.

6. Reichs Arbeitsblatt (available in all Labor Offices)
To be obtained.

7. Manifest des Arbeitzeineatzes, 20 Apr 1943
To be obtained.

8. International Agreement of Tokyo, 1934
To be obtained.

H2786-0097

f. VON PAPEN

1. Ambassador Dodd's Diary
   To be obtained.

g. SEYSS-INQUART

1. Film of Hitler's entry into Linz
   DENIED - as irrelevant.

2. Memorandum on SEYSS-INQUART's conversation with Hitler of 17 Nov 1938
   To be obtained.

3. Memorandum by HEIDRICH about Austria from year 1937
   DENIED - as irrelevant.

4. Pastoral letter of the Austrian Episcopate of Apr 1938
   DENIED - as irrelevant.

5. Article by Dr. Renner, present chief of the Austrian Government, published in Mar or Apr 1938, in the Neün Wiener Tageblatt, welcoming the new government.
   DENIED - as irrelevant.

6. Picture of the demonstration Keldenplatz in Vienna
   DENIED - as irrelevant.

7. Information to be obtained from the Statistical Office for the Netherlands.
   Request does not relate to a specific document but rather to a collection of information, therefore, application to be returned to defendant's counsel with the suggestion that he identify particular documents. If such identification can be made, efforts are to be made to obtain them.

8. Information to be obtained from the Dutch Red Cross
   Request does not relate to a specific document but rather to a collection of information, therefore, application to be returned to defendant's counsel with the suggestion that he identify particular documents. If such identification can be made, efforts are to be made to obtain them.

9. Volumes of the American Journal of International Law, especially for 1943.
   To be obtained.

h. SPEER

1. Memorandum of September 1944, from SPEER to HITLER, about the attack of the Party on his organization.
   To be obtained.

2. Article in the Voelkischer Beobachter by Sünderman about "Burnt Earth".
   To be obtained.

3. Statutes of the "Central Planning" said to be included in the information given to the managers, published between March and May 1942.
   To be obtained.

H2786-0098

h. Speer (continued)

4. Memorandum to HITLER about 15 Mar 1945, about the prevention of further destruction.
To be obtained.

5. Article in the London Observer about SPEER, published between February and April 1944.
DENIED - as irrelevant.

6. Announcement by the American Atlantic Transmitting Station of April 1945
To be obtained.

The Tribunal further agreed that where the Prosecution has objected to any of the foregoing documents they will be turned over to the Prosecution for examination, and where no objection was made by the Prosecution the documents, when obtained, will be given to defendants' counsel.

2. Final consideration of STREICHER application for Witness LELCK:
DENIED - as irrelevant.

3. Letter containing proposals regarding representation and defense of the GESTAPO by Dr. Merkel (Counsel for GESTAPO), dtd 17 Dec 45:
Action postponed.
The Tribunal directed that correspondence be sent to Prosecution for comments.

4. Letter from Dr. Alexander Dillman, Barrister to the Munich Supreme Court, dtd 7 Dec 45, on behalf of the wives of officers of the General Staff and Wehrmacht, requesting definition of the terms of the charges made against the Military:
Action postponed.
The Tribunal directed that correspondence be sent to Prosecution for comments.

5. Request by Dr. Kubuschok (Counsel for the REICH CABINET), dated 13 Dec 1945, for permission to talk with former Reich Minister Lammers for purposes of information:
GRANTED - subject to security regulations.

6. Memorandum from Dr. Servatius (Counsel for LEADERSHIP CORPS OF NSDAP), dated 15 Dec 1945, requesting additional information and an extension of time for his defense work:
Action postponed.

7. Memorandum dated 17 Dec, from Dr. Servatius (Counsel for LEADERSHIP CORPS OF NSDAP) for permission to "look up the political leaders to be found in the Internment Camp at Staumuehle near Paderborn, Westfalen, to talk to them either individually or in groups or with chosen representatives for the sake of obtaining information and preparing a hearing for members of these organizations":
The Tribunal directed that Dr. Servatius be authorized to go to the Camp to interview chosen representatives, subject to security regulations.

8. Memorandum from Prof. Dr. Exner (Counsel for JODL and GENERAL STAFF and HIGH COMMAND), dtd 17 Dec 1945, advising that the General Staff, per General Warlimont, desires representation before the Tribunal by a General, and requesting that the defense of the German General Staff be committed to a General, and further requesting that the General be appointed in lieu of Dr. Exner:
Dr. Exner to be informed as follows:

H2786-0099

8. (continued)

a. The Tribunal denies the application that a General should be appointed to represent the General Staff;

b. The Tribunal wishes Dr. Exner to continue to represent the General Staff, but he may retire if he wishes to do so and if Dr. Leverkuehn takes his place;

c. If he continues, Dr. Leverkuehn may be associated with him and may address the Court on behalf of the General Staff;

d. If Dr. Exner retires Dr. Leverkuehn may represent the General Staff;

e. There can be no delay.

THE MEETING ADJOURNED AT 5:45 PM.

W. L. Mitchell
Brig. General, U.S. Army,
General Secretary.

H2786-0100

(No. 49)

Palace of Justice
Nürnberg

#49

INTERNATIONAL MILITARY TRIBUNAL
Meeting
19 Dec 1945 5:15 PM

Lord Justice Lawrence presiding

All Members and their Alternates were present.

The Tribunal considered pending applications for witnesses, and made the following decisions:

1. VON NEURATH

a. Dr. Guido Schmidt (Former Austrian Foreign Minister)
Witness to be ALERTED.

b. Dieckhoff (German Ambassador)
Witness to be ALERTED.

c. Frick
It is unnecessary to pass upon this since FRICK is a defendant.

d. Lord Halifax
Interrogatories may be submitted.

e. Raeder
It is unnecessary to pass on this application since Raeder is a defendant.

f. Koepke (Ministerial Direktor)
Witness to be ALERTED.

g. Goering
It is unnecessary to pass on this application since Goering is a defendant.

h. Schacht
It is unnecessary to pass on this application since Schacht is a defendant.

i. von Papen
It is unnecessary to pass on this application since von Papen is a defendant.

j. Dr. Gaus (Foreign Office, Berlin)
It is unnecessary to pass on this application since an application to summon Gaus, made by the defendant Ribbentrop, has been granted by the Tribunal.

k. Gamelin
DENIED - not considered relevant.

l. Nuntius Orsenige
m. Dr. Wurm (Evangelical State Bishop)
n. Dr. Stroelin (Former Lord Mayor)
ALERT all three.
Counsel to be given his choice of one.

H2786-0101

2. JODL

a. Admiral Buerkner
It is unnecessary to pass on this application since Admiral Buerkner has been allowed as a witness for Keitel.

b. Schramm
Witness to be ALERTED.

c. Kipp
Witness to be ALERTED.

3. SEYSS-INQUART

a. General Christiansen
b. Stuckart (Former State Secretary)
c. Fredericks (Secretary General of the Interior)
These applications are of the same character as the 37 heretofore returned to counsel for SEYSS-INQUART with direction to select a reasonable number of witnesses who have knowledge of the general conditions with respect to the occupation that the defendant wishes to prove. Therefore, these applications are to be returned to counsel for inclusion in the previous disposition.

4. SPEER

a. Dr. Malzacher (Deputy to Speer)
Witness to be ALERTED.

5. GOERING

a. Francois-Poncet (French Ambassador in Berlin)
DENIED - not considered material.

6. RAEDER

a. Schreiber (Frigate Captain)
To be returned for further particulars.

b. Moenting (Adjutant to Raeder, later Chief of Staff of Naval War Operations)
The Tribunal decided this application should be returned to counsel with the remark that it appears to be irrelevant, and further particulars on its relevancy are desired.

The Tribunal then considered the following items on the Agenda, and made the decisions noted:

1. Final consideration of the six STREICHER witnesses held in abeyance pending consultation with STREICHER's counsel. Counsel has signed five of the applications (application for LELCK remains unsigned).

Wursbacher	To be ALERTED
Frau Streicher	To be ALERTED
Herrworth	DENIED as irrelevant
Gassner	DENIED as irrelevant
Hoellrich	To be ALERTED

H2786-0102

2. Letter containing proposals regarding representation and defense of the GESTAPO by Dr. Merkel (Counsel for GESTAPO) dtd 17 Dec 45.
   Action postponed.
   The Tribunal directed that correspondence be sent to Prosecution for comments.

3. Letter from Dr. Alexander Dillmann, Barrister to the Munich Supreme Court, dtd 7 Dec 45, on behalf of the wives of officers of the General Staff and Wehrmacht, requesting definition of the terms of the charges made against the Military.
   Action postponed.
   The Tribunal directed that correspondence be sent to Prosecution for comments.

4. Request from Dr. Laternser (Associate counsel for SEYSS-INQUART), dtd 12 Dec 45, for permission to hand over copies of the trial proceedings and documents to Defendant SEYSS-INQUART.
   The Tribunal expressed the desire that, subject to security regulations, this request be met as fully as possible.

THE MEETING ADJOURNED AT 6:30 PM.

W. L. Mitchell
Brig. General - US Army
General Secretary

M P.

H2786-0103

Palace of Justice
Nürnberg

#48

INTERNATIONAL MILITARY TRIBUNAL
Meeting
17 Dec 1945 5:15 PM

Lord Justice Lawrence presiding

All Members and their Alternates were present.

Lord Justice Lawrence presented the Agenda:

1. Request by Dr. Flaeschner (Counsel for SPEER) for documents surrendered to Bombing Survey:
   It was decided that the documents should be brought here, handed over to the Chief Prosecutors for their inspection, and if they have no objection the documents would be placed in the Defendants' Information Room.

2. Request by Dr. Bergold (Counsel for BORMANN) for an interview with Photographer Hoffmann:
   GRANTED subject to security regulations.

3. Offer by Mezger, addressed to Capt. Parker, dated 13 Nov 1945, to become a Defense Counsel:
   REFUSED.

4. Request by Dr. Servatius for extension of Christmas Recess to 9 Jan 1946:
   REFUSED.

5. Request by Dr. Exner (Counsel for JODL) dated 6 Dec 45, asking whether witnesses may be examined by interrogatories:
   The Tribunal decided that he may do this, but that he must submit the name of the witness and also the interrogatories to the Tribunal in each case. When received, interrogatories to be sent to the Chief Prosecutors for any cross-interrogatories, and then sent to the witness.

6. Letter from Charles F. Ashton, requesting to be heard as a witness re Nazi regime:
   REFUSED.

7. Letter from Gen. Kramer (Panzer Truppe) to send a representative to the Trial on behalf of the officers he commands in the remaining Wehrmacht:
   REFUSED. Secretary directed to refer matter back to counsel for General Staff, providing Kramer is a member of the General Staff.

8. Request for information from Johnstone Castle Camp, Scotland, on behalf of SA internees as to why SA members who were conscripted are indicted, whereas Nazi party members who joined voluntarily are not:
   The Tribunal decided that no action is necessary.

9. Request of HESS's counsel to contact two of HESS's former Secretaries:
   It was agreed that counsel could communicate or talk with these secretaries, subject to security regulations.

10. Counsel Fees:
    It was decided as payment for the second additional payment of counsel fees that Dr. Sauter, who represents three de-

H2786-0104

10. Counsel Fees (continued)

fendants, would be paid 3,000 Rm. for the first defendant and 1,500 Rm. for each of the other two defendants.

11. Dr. Marx (Counsel for STREICHER) appears before Tribunal:
After some discussion as to why Dr. Marx objected to certain witnesses requested by STREICHER, Dr. Marx requested that he be given the applications on those witnesses, which he would re-study and make further recommendation. The Tribunal approved his request.

12. Request by KEITEL to be heard regarding the announcement of the Reich Cabinet:
The Tribunal decided that when appearing as a witness KEITEL can defend himself on this charge, as well as on other charges.

13. Request from Kuboschok (Counsel for von Papen) for return of confiscated items:
The Tribunal directed that the documents were to be turned over to the Prosecution, but not the property.

14. Memorandum from Kranzbuehler for an Assistant:
The Tribunal directed that defense counsel should be allowed one of the parties suggested - not as an assistant but as an aid to him in research work, i.e., a specialist in naval matters.

15. Notice by Dr. Siemers (Counsel for RAEDER) that he has selected Dr. Ballas as associate counsel:
Noted, without objection.

THE MEETING ADJOURNED AT 6:20 PM.

W. L. Mitchell
Brig. Gen. U.S. Army
General Secretary

H2786-0105

Palace of Justice
Nürnberg

#47

INTERNATIONAL MILITARY TRIBUNAL
Meeting
15 Dec 1945 10:00 AM

Lord Justice Lawrence presiding

All Members and their Alternates were present.

Lord Justice Lawrence presented the Agenda:

1. Policy for calling Witnesses for Defendants:
The meeting agreed:

The Tribunal has passed upon a number of applications for witnesses. Some of these have been granted, subject to their evidence being relevant; some have been declined; and in some cases orders have been made that the witness be alerted, i.e. that, if he can be located, he be advised to hold himself in readiness to come here as a witness if the application is granted.

It is the desire of the Tribunal to secure for the defendants those witnesses who are material and relevant to their defense. To prevent the unnecessary prolonging of the trial, however, it is clear that witnesses whose testimony is irrelevant or merely cumulative should not be summoned.

At the conclusion of the prosecution's testimony, the Tribunal shall hear from defendant's counsel as to which of the witnesses, granted or alerted, they think necessary to bring here to testify. At that time the Tribunal may hear from them further as to any witnesses that have been declined, if, in view of the case, it then appears to the Tribunal that the testimony of such witnesses is material and not cumulative.

Defendants as Witnesses

Counsel appearing for any defendant may question any other defendant as to any relevant matter and may interrogate him as a witness for that purpose. If the other defendant takes the stand in his own behalf, the right shall be exercised at the conclusion of his testimony.

Examination of Witnesses called by other Defendants

The same person has been asked as a witness by a number of defendants in some cases. It is only necessary that such witness be called to the stand once. He may then be interrogated by counsel for any defendant as to any material matter.

It was decided that the President would make the above announcement in open Court, Monday morning, 17 Dec 1945.

2. Applications for Witnesses:

a. GOERING

1. Ward Price (Chief Correspondent, London Daily Mail)
DENIED as cumulative to interrogatories already granted, and irrelevant in that it relates to GOERING's wishes rather than to his acts.

2. Ambassador Gauss (Foreign Office, Berlin)
Unnecessary to act on this application as a previous application for Gauss by KEITEL has been granted and efforts are now being made to locate him. If located, GOERING's counsel will have the opportunity to examine him in ordinary course.

H2786-0106

IMT Meeting - 15 Dec 45

a. Goering (continued)

3. Freiherr v. Hammerstein (Chief Judge of the Luftwaffe)
DENIED as irrelevant.

4. Dr. Lehmann (Ministerial Director, OKW, Berlin)
Unnecessary to act on this application as Dr. Lehmann has been allowed as a witness for KEITEL, and GOERING's counsel will have the opportunity to examine him in ordinary course.

5. Dr. Mastry (Czechoslovak Ambassador in Berlin)
DENIED as irrelevant.

b. KALTENBRUNNER

1. Dr. Klemm (former Secretary of State)
Witness to be ALERTED.

2. Neubacher (former Ambassador)
Witness to be ALERTED.

3. Dr. Meyer (International Red Cross, Geneva)
The Tribunal voted, three to one, that interrogatories may be submitted. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

4. Dr. Brachmann (Secretary General, International Red Cross)
The Tribunal voted, three to one, that interrogatories may be submitted. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

5. Burckhardt (President, International Red Cross)
The Tribunal voted, three to one, that interrogatories may be submitted. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

6. Wanneck
Witness to be ALERTED.

7. Raudaschl (Mine Supervisor in Alt-Aussee, Austria)
DENIED as irrelevant.

8. Ohlendorf (Assistant Cabinet Member)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

c. FRANK

1. Prof. Dr. Kneisl (Referent on conferences pertaining to Art in the G.G.)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

2. Struve (Agent for "Commitment of Labour" in Occupied Poland)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

3. Ambassador Messersmith
Interrogatories GRANTED.

H2786-0107

c. Frank (continued)

4. Gnauck (Stenographer of G.G. of Polish Occupied Territory)
DENIED as cumulative and irrelevant.

d. SCHACHT

1. General Warlimont
The Tribunal requests further particulars of the testimony that General Warlimont could give.

2. Dr. Adolf Hertlain (University Professor)
DENIED as immaterial.

3. Jene Schacht (Son of Defendant Schacht)
Witness to be ALERTED.

4. Richard Merton (Now in England)
DENIED as irrelevant.

5. Von Fluegge
DENIED as irrelevant.

6. Carl Schmidt (Former State Secretary)
Witness to be ALERTED.

7. Dr. Diehle (Regierungs President, Nürnberg)
Witness to be ALERTED.

e. SCHIRACH

1. Wieshofer (Schirach's former Adjutant)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as immaterial.

f. SAUCKEL

1. General Reinicke
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as immaterial.

2. Skerseny (SS Hauptmantsleiter)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

3. Weidener (Sauckel's brother-in-law)
DENIED as irrelevant.

4. Mrs. Soeldner (Head of Party Women's Organization)
DENIED as irrelevant.

5. Wetzel (Sauckel's father-in-law)
DENIED as irrelevant.

6. Deat (French Minister)
DENIED as irrelevant, in that it constitutes no defense to the charge of Crime against Humanity under the Charter.

7. Schneider (Reichsstatthalterbure, Weimar)
DENIED as irrelevant.

H2786-0108

f. Sauckel (continued)

8. Demme
DENIED as irrelevant.

9. Lammers (Reichsminister)
Unnecessary to take action on this application as Lammers is here and has been granted as a witness for other defendants. SAUCKEL's counsel will have the opportunity to examine him in ordinary course.

10. Marschler (Ministerpresident, Weimar)
DENIED as irrelevant.

11. Berck
The Tribunal has previously granted the defendant three witnesses and one affidavit from the group composed of Geissler, Timm, Goetz and Berck, therefore, it is unnecessary to rule on this matter again.

12. Frick
Unnecessary to act on this application as FRICK is a defendant.

13. Fritzinger (State Secretary)
DENIED as cumulative to previous application for FRICK.

14. Lt. Col. France (Office of Commissioner General for Labor Employment)
Witness to be ALERTED.

15. Kretschmann (Generalarbeitsfuehrer)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as immaterial.

16. Mende (Hauptdienststellenleiter, Labor Front, Berlin)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as immaterial.

17. Schwarz
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

18. Mischke (Oberarbeitsfuehrer)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

19. Herfurth
DENIED as being too remote to be relevant.

20. Timm
The Tribunal has previously ruled that the defendant may select three witnesses from a group including Timm, therefore, it is unnecessary to consider this matter again.

21. Walter
DENIED as irrelevant.

22. Escher
DENIED as irrelevant.

H2786-0109

f. Sauckel (continued)

23. Oberlander (Oberregierungsrat, Sallfeld)
DENIED as irrelevant.

24. Speer
Unnecessary to act on this application as SPEER is a defendant.

25. Liebetrau
DENIED as irrelevant.

26. La Gardelle (French Labor Minister)
DENIED as irrelevant.

27. Becker (President of Appellate Court, Weimar)
DENIED as irrelevant.

28. Wessel (Minister, Weimar)
DENIED as irrelevant.

29. Remke (Gau Judge)
DENIED as irrelevant.

30. Bauer (Journalist, Weimar)
DENIED as irrelevant as to SAUCKEL's employment of Bauer, and cumulative as to SAUCKEL's general attitude.

31. van der Wille (Flemish leader in Belgium)
DENIED as irrelevant to the charge of forced labor, that there may have been approval of voluntary labor in Germany.

32. Goetz (President of the Dresdner Bank, Weimar)
The Tribunal has already allowed three witnesses of a group including Goetz, therefore, it is unnecessary to rule on this matter again.

33. de Brunon (French Ambassador in Berlin in 1943)
DENIED as irrelevant.

34. Helm (a Writer)
DENIED as immaterial.

THE MEETING RECESSED FROM 1:15 PM UNTIL 2:00 PM.

g. STREICHER

1. Otto
DENIED as irrelevant.

2. Samwald
DENIED as irrelevant.

3. Frau Herrwerth
DENIED as evidence is too remote to be admissible.

4. Bauer
DENIED as irrelevant.

H2786-0110

g. Streicher (continued)

5. The following applications were received without the signature of STREICHER's counsel, who advised the General Secretary's office that he declined to sign them because he does not agree that the witnesses should be called. The Tribunal decided to call in STREICHER's counsel at 5:15 PM, Monday, 17 Dec 45, to discover if there were any dissention between counsel and defendant. Action on these applications to be postponed until then:

Wursbacher	Application No.	1
Frau Streicher	"	2
Herrworth	"	4
Gassner	"	7
Hoellrich	"	8
Lelck	"	10

h. JODL

1. von Freyend (Adjutant Chief of OKW)
The Tribunal decided that interrogatories may be submitted, it being understood that they must be submitted to Prosecution for cross-interrogatories.

i. SEYSS-INQUART

1. Poestma (General Secretary, The Hague)
DENIED as irrelevant.

2. Weizaecker (Former Ambassador)
DENIED as irrelevant, tending to show, if anything, guilty knowledge.

3. Ward Price (Correspondent for Daily Mail)
DENIED as irrelevant.

4. Lammers
Since Lammers has been allowed as a witness for other defendants and is in Nürnberg, it is unnecessary to rule on the application at this stage.

5. The defendant has applied for 37 witnesses, many of them in the Netherlands, to prove many particular acts of the defendant in the Netherlands alleged to have averted particular threatened atrocities, or otherwise to have mitigated the rigor of the occupation, or to establish that the security policy under Heidrich or the Army, rather than the defendant, was responsible for a particular measure.

Since the Prosecution has not offered evidence of particular crimes in the Netherlands, it is impossible to determine whether this evidence is relevant to any particular allegation. In the present stage, all 37 witnesses must be viewed as requested to establish that the defendant was engaged in a general endeavor to mitigate the rigors of the occupation.

Accordingly, the Tribunal has decided that these applications should be referred to defendant's counsel with a statement that the number of witnesses requested bears no reasonable relation to the evidence that they are said to be able to give. The Tribunal therefore directs

H2786-0111

i. Seyss-Inquart (continued)

that if the defendant wishes to present evidence with respect to his administration of the occupation of the Netherlands, he select a reasonable number of prospective witnesses who have knowledge of the general conditions which he wishes to prove.

j. SPEER

1. Hupfauer (Chief, Rentraland of Production Ministry)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting, as irrelevant.

k. KEITEL

1. Lisz (Colonel or General, General Staff)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting for the following reasons:

I object to the alerting of the witness LISZ on the ground that the defense requests that he be called to give evidence concerning circumstances, the investigation of which does not enter into the competence of the Tribunal.

H2786-0112

k. Keitel (continued)

2. von Neurath, Schacht, Goering, Funk, Raeder, von Brauchitsch
Since all but von Brauchitsch are defendants it is unnecessary to act on these applications. Application on von Brauchitsch DENIED as being cumulative.

3. Lt. Alexander (Son of General Alexander)
DENIED as irrelevant.

4. Churchill (Nephew of late Prime Minister Churchill)
The Tribunal voted, three to one, that interrogatories should be granted. The Soviet Member, General Nikitchenko, dissenting for the same reasons enumerated under 1. above.

5. von Blomberg (Field Marshal)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting.

6. Reinecke (General, OKW)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting.

7. Jodl
Unnecessary to act on this application as JODL is a defendant.

8. Ambassador Messersmith
Interrogatories GRANTED.

9. Halder (Colonel-General)
The Tribunal voted, three to one, that the witness should be ALERTED. The Soviet Member, General Nikitchenko, dissenting.

10. Giles Romilly (Nephew of former Prime Minister Churchill)
DENIED as cumulative to interrogatives granted for Churchill (nephew of former Prime Minister Churchill).

11. von Brauchitsch (former Field Marshal)
Witness to be ALERTED.

The Tribunal moved a Vote of Thanks to Mr. Herbert Wechsler, Technical Advisor, for his assistance in sorting and examining the numerous applications received.

3. Organizations

The Tribunal understands that the counsel appointed under Article 9 of the Charter are in doubt whether they have been appointed to represent the groups and organizations charged in the Indictment as criminal, or to represent individual applicants who have applied to be heard under the said Article. The Tribunal directs that counsel represent the groups and organizations charged and not the applicants.

As the Tribunal has already directed, counsel will be entitled to call as witnesses representative applicants and may also call other persons, whose attendance may be ordered by the Tribunal. Application to call any witness must be made in the ordinary way.

H2786-0113

3. Organizations (continued)

The evidence of such witnesses and the arguments of counsel must be confined to the question of the criminal nature of the group or organization. Counsel will not be entitled to call evidence or to discuss any question as to the individual responsibility of particular applicants, except insofar as this may bear upon the criminal character of the organizations.

Counsel will be permitted as far as possible to communicate with applicants in order to decide what witnesses they will to apply to call.

It was decided that the President would make the above announcement in open Court, Monday morning, 17 Dec 1945.

4. Statements to the Press:

It was decided by the Tribunal that the President would make a statement on this matter in open Court, Monday morning, 17 Dec 1945.

5. Fees for Defense Counsel:

The Tribunal agreed to authorize an additional payment now of 3,000 Rm. to all defense counsel, which will take them through Dec 1945, on the basis that another 3,000 Rm. will be paid them at the end of another three months.

6. Dr. Dix's request for permission to be absent from the Trial from time to time, in order to attend to urgent business at his office in Berlin:

GRANTED, but he must first designate a substitute to attend the trial in his absence.

7. Memorandum dated 23 Nov 45, from Dr. Georg Boehm, Counsel for SA, notifying the Tribunal that he intends to address an appeal through the Press to all former members of the SA, suggesting that all members offer to become witnesses, and requesting the Tribunal to inform him whether those who volunteer will be heard.

Solved by the Tribunal's decision of 8 Dec 45 regarding organizations.

8. Request for copy of Indictment by Prisoners in Nürnberg Prison:

The Tribunal decided that the Notice which was published in the Press re Organizations, and copy of Indictment (if the Prosecution has no objection) is to be served on the prisoners.

9. Admission of Documents:

It was decided by the Tribunal that the President would make a statement on this matter in open Court, Monday morning, 17 Dec 1945.

THE MEETING ADJOURNED AT 5:30 PM.

W. L. Mitchell
Brig. Gen. USArmy
General Secretary

MP

H2786-0114

Palace of Justice
Nürnberg

#46

INTERNATIONAL MILITARY TRIBUNAL
Meeting
8 Dec 1945 10:00 AM

Lord Justice Lawrence presiding

All Members of the Tribunal and their Alternates were present, with the exception of Mr. Biddle.

Lord Justice Lawrence administered the oath of office to the interpreters assigned to interpret in the closed sessions of the Tribunal, each interpreter repeating the following oath in his respective language:

> "I do solemnly swear that I will perform my duties as Interpreter to the Tribunal according to the best of my knowledge and skill, and that I will faithfully keep secret all matters which may come to my knowledge in the course of my duties which are not expressly ordered to be made public by the Tribunal".

Lord Justice Lawrence presented the Agenda:

1. Dr. Dix's request regarding procedure in opening the case for the Defendants:

The Tribunal decided that the President of the Court would make an announcement concerning the questions raised by Dr. Dix in Court as soon as possible - possibly on 10 Dec 1945. (Tentative wording of the decision is given in paragraph 2 of the "Minutes" of the Tribunal, dated 1 Dec 1945).

2. Request by Polish and Czechoslovakia representatives re participation in the Trial:

After discussion of the question the Tribunal agreed to adjourn the matter, and that a draft of a reply would be drawn up and the requests reconsidered.

3. Criminal Organizations:

The Tribunal decided Prosecution is to be asked in what order they propose to introduce their evidence against the organizations which they allege to be criminal, whether they propose to charge the whole organization with criminality, or whether they propose to specify any branches of the organizations as not being criminal.

The counsel for the organizations alleged to be criminal are asked to submit to the Tribunal a practical program, including which of the applicants they desire to examine as representative witnesses, and to specify the order in which they propose to submit their evidence.

The Tribunal considers that a member of an accused organization who has applied to be heard on the question of the criminal character of the organization is not a defendant in the cause. Representative applicants will be permitted to give evidence but will have the individual status of witnesses only, and can be cross-examined by the Prosecution and by Defense Counsel. Counsel representing any group or organization charged in the Indictment may, however, exercise on their collective behalf the rights accorded by the Charter to counsel for individual defendants, including the right to interrogate and cross-examine witnesses and the right to address the court. In the exercise of these rights counsel must confine themselves to the issue of the criminality of the organization.

4. Request dated 3 Dec 1945 by Dr. Dix for Permission to speak over the Radio:

The Tribunal decided it cannot express any view on the propriety of a proposed statement to be made by counsel to the press or on the radio.

H2786-0115

The Tribunal considers it is a matter for the judgment of counsel what statement, if any, it would be proper for him, as counsel for a defendant in this trial, to make to the press or radio.

5. Memorandum from Kranzbuehler (Counsel for DOENITZ), dated 30 Nov 1945, requesting interrogatories be put to Messerschmidt:
GRANTED.

THE MEETING RECESSED FROM 1:15 PM until 2:00 PM.

6. Response dated 29 Nov 1945 by Dr. Thoma (Counsel for ROSENBERG) to request for further information on application for witnesses, Baronet de Ropp and Major Winterbotham, dated 13 Nov 1945:
REJECTED on the grounds of not being relevant.

7. Request by Dr. Flaechsner (Counsel for SPEER) dated 26 Nov 1945 for order from Tribunal to place at his disposal his secretary, Mrs. Annemarie Kempf:
REJECTED but he may communicate with her by writing.

8. Request by Dr. Rohrscheidt (Counsel for HESS) dated 20 Nov 1945 for permission to speak to two former Secretaries of Hess who were brought before him by Prosecution:
The Tribunal decided that the Prosecution would be asked for the names of the two secretaries, and where they can be located.

THE MEETING ADJOURNED AT 3:00 PM.

W.L. Mitchell
Brig. Gen. U.S. Army,
General Secretary.

M P

H2786-0116

Palace of Justice
Nürnberg, Germany

#45

INTERNATIONAL MILITARY TRIBUNAL
Meeting
2 Dec 1945 3:00 PM

Lord Justice Lawrence presiding

All Members and their Alternates were present.

Lord Justice Lawrence presented the Agenda:

Prosecution Reference Set No. 14 for Witnesses was considered and the following action taken:

1. FRANK:

15. Dr. Wendler - Included in list from which defendant was permitted to choose Buehler and two others.

16. Dr. Meissner - Granted, provided no other witness on same point had been previously granted.

17. Pallezieux - Defendant was granted choice between this witness or No. 20.

18. Siebert - Included in list from which defendant was permitted to choose Buehler and two others.

19. Dr. Waechter - Included in list from which defendant was permitted to choose Buehler and two others.

20. Kay Muehlmann - See ruling on No. 17.

21. General von Gienandt - Included in list from which defendant was permitted to choose Buehler and two others.

2. GOERING

4. and 6. Sir Arthur Cadogan and Lord Halifax - The General Secretary be directed to advise counsel for Goering that he may submit to Cadogan and Halifax interrogatories, to be submitted to the Prosecution with leave to file cross-interrogatories. Both interrogatories and cross-interrogatories will then be sent by the General Secretary to the respective witnesses. The letter should state if they wish to appear in court and testify they may do so.

5. General v. Bodenschatz - Granted.

3. SCHIRACH

3. Hartmann Lauterbacher - Granted.

4. SCHACHT

8. and 9. Schmidt and Reichsminister Schwerin v. Krosigk - Returned to defendant for showing of relevancy.

10, 11, 14 and 15. Reuter, Huelse, Vocke and Diels - Choice of two.

H2786-0117

4. SCHACHT (continued)

12. Lammers - Granted.

13. Cisevius - Has been previously granted.

16. Frau Struenck - Granted previously.

5. VON RIBBENTROP

14. Margarete Blank - Previously disposed of.

15. von Sonnleitner - Granted choice of No. 15 (von Sonnleitner)or Brenner

16. Ambassador Gaus - Previously granted.

17, 18, 19 and 20. von Rintelen, Henke, Berber and Six - Refused for interrogation purposes but counsel may apply for them as witnesses.

Prosecution Reference Set No. 15 for Witnesses:

1. SEYSS-INQUART

Defendant was granted permission to have four out of the combined total of seven witnesses requested on this Set (No. 15) and the ~~three~~ two on Set No. 17.

2. SCHACHT

Request for Scherpenberg - The Secretary was requested to send this application back for details.

Prosecution Reference Set No. 16 for Witnesses:

1. GOERING

Weisszacker - Interrogatories allowed.

Prosecution Reference Set No. 16 for Documents:

1. FRANK

1st item - Available in Document Room.

2nd item - Referred back to Defense Counsel for more information.

3rd item - Referred back to Defense Counsel for more information.

2. SEYSS-INQUART

1st item - Granted.

2nd item - Refused, irrelevant.

3rd item - Refused, irrelevant.

4th item - Granted.

H2786-0118

Prosecution Reference Set No. 17 for Witnesses:

1. GOERING

Dahlerus - Interrogatories permitted.

2. SCHACHT

General Field Marshal von Brauchitsch)
General Field Marshal von Runstedt) Granted.
Generaloberst Halder

3. SEYSS-INQUART

Dr. Stuckart) Four out of the combined total of
Mayor in Lins Langoth) these and those requested on Set No. 15.

Prosecution Reference Set No. 17 for Documents:

Not considered.

Prosecution Reference Set No. 18 for Witnesses:

1. FRANK

Dr. Boepple - To be included in list from which defendant may select two in addition to Buehler.

Prosecution Reference Set No. 18 for Documents:

1. FRANK

1st item - Granted.

2. JODL

1st item - Available in Document Room.

2nd item - Returned to defendant for him to specify what was in the Order and why it is relevant.

3rd item - Granted.

4th item - Available.

5th item - Available.

6th item - Returned to defendant for more details as to what acts and dates by the Government constituted reprisals for the acts alleged in Crete, and what specific documents he refers to.

The British Secretary delivered to the Members of the Tribunal a list of the documents which the British are going to refer to when they open their case Tuesday, 4 Dec 1945.

THE MEETING ADJOURNED AT 7:10 PM.

W L Mitchell
Brig. Gen. U.S. Army
Gen. Sec.

M.P.

H2786-0119

Palace of Justice
Nürnberg, Germany

#44

INTERNATIONAL MILITARY TRIBUNAL
Meeting
1 Dec 1945 2:30 PM

Lord Justice Lawrence presiding

All Members and their Alternates were present.

Lord Justice Lawrence presented the Agenda:

1. Ribbentrop's request for his secretary, Margarite Blank:
It was agreed to grant the request, in accordance with security regulations, and that Miss Blank's notebook, now in the possession of the General Secretary, be returned to Ribbentrop's defense counsel.

2. Dr. Dix's request regarding procedure in opening case for defendants:
The following decision was made:
The defense counsel will be permitted to make one speech only, in accordance with Article 24-H of the Charter, and this speech will be at conclusion of the evidence called on behalf of the particular defendant. At the conclusion of the case for the prosecution the defense counsel will be invited to study the evidence they propose to call but they will be strictly confined to the names of the witnesses and the matters to which their evidence will be addressed, and must not be in the nature of an address.

3. Dr. Stahmer's request re photostating of documents:
The General Secretary was directed to inform Dr. Stahmer that the Tribunal had received his letter and it was their wish that it be complied with, and that it was being given to the Prosecution for that purpose. If there were difficulties of which the Tribunal was unaware they would expect the Prosecution to inform them.

4. Tribunal Fund:
It was agreed that General W. L. Mitchell, as General Secretary of the Tribunal, be authorized to draw upon the Account for the payment of fees to counsel.

5. Request of Polish and Czechoslovakia representatives to present evidence on behalf of their countries against the defendants:
It was agreed that these matters should be postponed until a decision had been received from the Prosecution as to their views in the matter.

6. Miscellaneous requests from indicted organizations:
The Tribunal appointed Sir Norman Birkett and Judge John Parker as a Committee to study the matter with the General Secretary and report back at the earliest opportunity, as this is a matter that requires some detailed study and should not be settled at this time.

7. Jodl's request to be heard on the issue of General Staff and OKW:
It was agreed to grant this request.

8. Comments by Frank's counsel regarding evidence of the Prosecution, in which he asserted that representations in the evidence were erroneous:
It was agreed that Frank will have the opportunity of answering his part of the evidence introduced by the Prosecution when he comes to present his defense.

9. Request by Rosenberg's counsel to offer in evidence three documents:
It was agreed that Rosenberg will have the opportunity of offering these documents in evidence when he presents his defense.

H2786-0120

10. Notification by Speer's counsel that he has asked Dr. Hermann Mosler to assist him: It was agreed that the General Secretary should acknowledge Dr. Flaechsner's letter.

11. Payment of fees to Dr. Kranzbühler (Counsel for Doenitz):
The General Secretary reported that Dr. Kranzbühler had returned his counsel fees with the statement that he was unauthorized to accept same as he was being paid by the Navy. The Tribunal agreed under the circumstances not to pay Kranzbühler.

12. APPLICATIONS:
Prosecution Reference Set No. 13 was considered and the following action taken:

1. HESS applications:

   2. Granted.

2. HESS application for witness:

   2. No action (disposed of by ruling that Hess would be tried).

3. RIBBENTROP application for witnesses:

   11. Rejected as not relevant.
   12. Granted.

4. RIBBENTROP request for documents:

   1. Already granted.

5. ROSENBERG request for documents:

   14. Rejected as not relevant.

6. ROSENBERG applications:

   3. Rejected as not relevant.

7. FRANK application for witnesses:

   11, 12, 13 and 15. Were deemed cumulative to witness Buehler previously granted. It was agreed that defendant FRANK would be permitted to call two witnesses in addition to Buehler, out of a group of 13 requested to date, to testify to the same facts as Witness Buehler.

   14. Granted.

8. JODL request for documents:

   1. Rejected pursuant to a rule previously adopted regarding the minutes of the interrogation of defendants by the Prosecution.

9. SEYSS-INQUART request for documents:

   1. Granted.

THE MEETING ADJOURNED AT 5:00 PM.

W L Mitchell
Brig. Gen. USArmy
Sec. Secy.

H2786-0121

Palace of Justice
Nürnberg, Germany

#43

INTERNATIONAL MILITARY TRIBUNAL
Meeting
28 Nov 1945 4:30 PM

Lord Justice Lawrence, Chairman

All the Members and their Alternates were present.

1. The method of the presentation of documents, including their admissability; the question of oral arguments or closing briefs; the admissability of affidavits; and the number of witnesses and their cross-examination was discussed at length with Justice Jackson and Dr. Rudolph Dix, representing the counsel for the defendants. It was agreed by the Tribunal to consider further these matters but that a decision would not be made at this time. Justice Jackson was asked if he could arrange to furnish members of the Tribunal copies of the documents that were to be presented in court at least 24 hours in advance. Justice Jackson stated that we would investigate and let the Tribunal know the following day, 29 Nov 1945.

2. Responsibility for Defendants:
Justice Jackson's Memorandum on Responsibility for Defendants, dated 24 Nov 1945, was read by Lord Justice Lawrence.

The meeting:

Agreed to concur in the Memorandum except that with reference to paragraph 3, of the Memorandum, the Tribunal holds that defendants may be interrogated with their consent, but that they must be informed that they are entitled to have their counsel present, and that their counsel are entitled to ask them questions. The General Secretary was directed to inform Justice Jackson of this decision.

3. Counsel for Gestapo:
It was agreed to appoint Dr. Rudolf Merckel, Nürnberg, to serve as counsel for the Gestapo.

4. Lieutenant Eck:
After examining the statements of the Prosecutors and of Kranzbühler, Counsel for Doenitz, it was decided that the General Secretary would:

a. Inform the proper British authorities that the Tribunal does not desire the presence of Lt. Eck at the trial.

b. Inform Counsel Kranzbühler that his application to present Lt. Eck's affidavit in evidence, as outlined in his application, is approved, and that the affidavit will be accepted.

THE MEETING ADJOURNED AT 7:30 PM.

W. L. Mitchell
Brig. Gen. U.S. Army
Gen. Secy.

H2786-0122

Palace of Justice
Nuremberg, Germany

#42

INTERNATIONAL MILITARY TRIBUNAL

Executive Session

November 24, 1945 2:30 P.M.

All the Members and their Alternates were present.

Captain Fisher presented applications from a number of the defendants, which were dealt with as indicated in the Appendix.

Mr. Biddle stated that the counsel for the defense and prosecution had conferred on problems concerning the distribution of documents offered in evidence and wished to present the problem to the Tribunal in closed session. He suggested that perhaps the prosecution could read into the record the portions of all documents they wished to present in evidence and these would then be obtained by the defense counsel in the German language in the daily record of the proceedings.

In conformity with this suggestion, Lord Justice Lawrence proposed the following:

1. Only that part of documents read in court would be regarded as submitted in evidence.

2. Copies of trial briefs and documents translated into English will be furnished to defense counsel. It was eventually agreed that ten copies of each trial brief and five copies of each book of documents should be provided.

3. Counsel for defense shall have an opportunity to see the text of every document, part of which is offered in evidence, in the Defendants' Information Center.

4. In order to make this possible, the original or a photostatic copy and one copy in German of each document, part of which is offered in evidence, will be available in the Defendants' Information Center twenty-four hours before any portion of it is to be presented in evidence.

5. A copy of the transcript of each day's proceedings in German will be provided to each defense counsel on the day after the proceedings take place.

Colonel Storey and Mr. Albrecht of the prosecution, Dr. Dix and another counsel of the defense entered the room and explained to the Tribunal the difficulties they had encountered. Colonel Storey emphasized the mechanical impossibility of providing copies of all documents in German to each defense counsel and Dr. Dix pointed out that it was necessary to show a complete copy of any document relating to a particular defendant to that defendant in order that he might check the portions submitted in evidence.

H2786-0123

Lord Justice Lawrence stated the proposals which he had earlier suggested. General Nikitchenko suggested that a photostatic copy of every document be given to defendant's counsel in court by the prosecution at the time any portion of the document was offered in evidence in order that it might be examined by the defendant himself.

Mr. Biddle suggested that a photostat of each document be given to the German interpreter prior to its presentation in court in order that the relevant portions might be read into the microphone directly from the text.

The prosecution and defense counsel present agreed to Lord Justice Lawrence's proposal, with the proposals of General Nikitchenko and Mr. Biddle added.

Dr. Dix of the defense said he would ask the other defense counsel not to raise the document problem in open court but rather to deal with future difficulties in the matter by conference. He recognized the physical limitations upon the capacity of the prosecution in this matter. The prosecution and defense counsel then retired.

The reports on the condition of defendant Hess were considered and at Mr. Biddle's suggestion the meeting agreed that the General Secretary should send the reports on Hess to the Chief Prosecutors and to Hess' counsel for hearing on the question in a public session of the Tribunal on Friday, November 30, at 4:00 p.m.

M. de Vabres suggested that the prosecution be advised to organize all documents in files relating to the individual defendants. The meeting agreed that it would probably be impracticable for the American Prosecution to reorganize its documents in this way but that it might be suggested to the prosecutors that they organize documents in this way in so far as practicable.

Lord Justice Lawrence stated that he would write out and circulate to the Members of the Tribunal a plan for providing documents to the defendants and their counsel and would, if agreeable to the Tribunal, announce this in court on Monday, the 26th.

The meeting adjourned at 5:15 p.m.

W L Mitchell
Brig. Gen. U.S. Army,
Gen. Sec.

H2786-0124

(No. 42)

APPENDIX TO MINUTES OF I.M.T. MEETING
24 NOVEMBER 1945

ACTION TAKEN BY THE TRIBUNAL ON APPLICATIONS FOR DOCUMENTS AND WITNESSES AT MEETING NOVEMBER 24, 1945

RIBBENTROP requests for witnesses:

(2) Brenner)
(3) von Sonnleiter)
(4) Geoffrey Dawson - denied
(5) Lord Dawson of Penn - denied
(6) Lord Dery - no such person
(7) Lord Vansittart) Advise lawyer for von Ribbentrop that
(8) Lord Beaverbrook) evidence is to be taken by specific inter-
(9) Lord Kelmsley) rogatories which will be supplied to specify
(10) Lord Londonderry) the exact nature of the evidence. When the questions are sent it is to be indicated that the witnesses may testify if he desires.

ROSENBERG requests for witnesses:

(3) Dankers - denied
(4) Dr. Lammers - granted
(5) Baronet de Ropp) Supply more definite information as
(6) Major Winterbotham) to who they are.

FRANK requests for witnesses:

(2) von Craushaar) Postponed until Frank's applications
(3) von Burgedorff) are all in and can be considered in
(4) Dr. Meidinger) a group.
(6) Archbishop Sapieha

FUNK requests for witnesses:

(2) Landfried)
(3) Heyler) One witness - one affidavit
(4) Frau Funk - granted

SCHACHT requests for witnesses:

(7) Jeidels - State that testimony does not seem to be of sufficient relevance or importance to justify bringing him here but that a written statement will be accepted if it appears relevant. No delay will be permitted, however. The Tribunal reserves the right to bring him here if it is deemed necessary.

SAUCKEL requests for witnesses:

(5) Demme - deny as irrelevant
(8) Hildebrandt) One witness -
(9) Kaestner) Affidavits from other two
(10) Letsch)
(11) Dedier - deny
(12) Berk)
(13) Goetz) Can take three out of four as most of evidence
(14) Timm) is cumulative.
(15) Geissler)

H2786-0125

JODL requests for witnesses:

(1) Pemsel - either (1) or (3) granted
(2) Gehlen - Send back for further information as to the precise nature of the testimony.
(3) Schoch - either (1) or (3) granted
(4) von Freyend - No charge of cruelty to Italian PW's. Send back for further elaboration.
(5) von Buttlar-Brandenfels - granted
(6) Nuechs - granted
(7) von Greiffenberg - granted
(8) Waiznegge)
(9) Krieger) Choose one of the three
(10) Peschel)
(11) Bunle - granted
(12) Winter - granted
(13) Schramm - denied
(14) Balder - granted

VON RIBBENTROP requests for documents:

(1) White Book - Produce document - select ones that he wishes to put in.

ROSENBERG requests for documents:

(10) Letter to Hitler, 1924 - granted

SAUCKEL requests for documents:

(2) Handbuch fur den Arbeitseinsatz - granted
(3) Europa Arbeitet in Deutschland - granted
(4) Communications on the employment of workers - granted

FRITZSCHE requests for documents:

(1) Collection of foreign opinions - denied
(2) Text of broadcasts 1932-1945 - Produce documents - select ones he wishes to put in.

2-124

#41

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 21, 1945 5:15 P.M.

Honorable Francis Biddle, Chairman

All the Members and their Alternates were present.

The following matters were considered:

1. Medical Status of prisoner Ernst Kaltenbrunner - Lord Justice Lawrence read the medical report submitted by the Acting Chief Surgeon of the Int. Sec. Det. concerning the illness of Kaltenbrunner. This report stated that Kaltenbrunner will require absolute rest for two to three weeks, and will also require a week or two convalescence before he can face trial.

The meeting:

Agreed to take no action at this time.

2. Oral Motions and Requests - A recommendation by the Chief Prosecutors that oral motions or applications in open court by either the Chief Prosecutors or the Counsel for the Defendants should be made in writing and made available to the other side was discussed.

The meeting:

Agreed that the following procedure be adopted: Whenever practicable all applications or motions made in open court by either the Chief Prosecutors or Counsel for the Defendants will be made in writing and given to the other side.

3. Hess Medical Report - Lord Justice Lawrence asked for a report on the status of the Hess medical report. The General Secretary reported that he had the medical report made by the three (3) American doctors and the French doctor. That the report made by the Russian doctor was being translated. That the report made by the British doctors had not been received.

The meeting:

Agreed that the General Secretary would distribute copies of the report made by the American and French doctors at once, and make distribution of the other reports when received, and that the report made by the British doctors should be sent to the Tribunal by cable or telephone.

4. Application by Counsel for SS and SA - Major Neave stated that while he had not received an official application, he had been requested verbally by Drs. Babel and Boehm, counsel for SS and SA, as follows:

H2786-0126

H2786-0127

(a) May they sit in court?

(b) May they have transcripts of the court proceedings to date?

(c) May they interview important SA and SS leaders in order to learn something of those organizations? In this connection they stated they will apply for two (2) weeks' adjournment.

The meeting:

Agreed that (a) and (b) above is approved, and that these lawyers should state in writing what leaders of the SA and SS they may wish to interview when they put in their formal application.

5. Counsels' fees - Lord Justice Lawrence directed Major Neave to make a report and recommendations on the payment of fees to Defendants' lawyers.

The meeting:

Agreed:

(a) That all Defense Counsel (not associates) should receive an initial payment of 2,000 RM forthwith, and that no exception should be made beyond that of Krupp's counsel and Dr. Sauter who has more than one client.

(b) That Dr. Sauter should receive 2,000 RM for the first client, plus 1,000 RM for each additional client.

(c) That the application of Von Rohrscheidt and Flaechsner for immediate payment of 4,000 RM be denied, and that they should receive the same sum as all the other counsel.

(d) That Krupp's counsel should not receive anything and denied his application to sit in court.

MP

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PARAGRAPH 6 - APPLICATIONS

Captain Fisher reported on application by the Attorney for Gustav Krupp von Bohlen requesting that they be permitted to continue to attend the trial because the charges against Krupp von Bohlen had not been dropped but merely postponed.

The meeting: Agreed to deny this request.

Application for documents and witnesses reported by Captain Fisher were dealt with as follows:

SCHACHT	
Request for witness Kretz Schmann)	
Request for witness General Thomas)	Granted
Request for witness Dr. Jeidels	Denied
SAUCKEL	
Request for witness Fischer	Granted
Request for witness Otto Demme	Denied
Request for witness Frau Sauckel	Granted
Request for witness General Beckurtz	Granted
Request for witness Counsellor Hildebrandt	Granted
Request for witness Counsellor Kaestner	Denied
Request for witness Counsellor Letsch	Denied
ROSENBERG	
Request for letter to Hitler on his resignation as editor of Voelk Beobachter	Granted
SPEER	
Request for four documents in Dustbin	Granted
VON RIBBENTROP	
Request for witnesses Brenner and von Sonnleiter	Granted as to one but not to both.
Request for Geoffrey Dawson	Denied
Request for witness Lord Dawson of Penn	Denied
Request for witness Lord Derby	Denied
Request for witnesses Lord Vansittart, Lord Beaverbrook, Lord Kelmsly and Lord Londonderry.	Ribbentrop should specify in more detail the testimony believed the witnesses would give and reasons why it would be relevant.
KEITEL	
Request for witness Jodl	Granted
FRANK	
Request for witness Josef Buehler	Granted
Request for witness Dr. von Craushaar	Denied
Request for witness Dr. von Burgedorff	Denied
Request for witness Dr. Meidinger	Denied
Request for witness Miss Lelen Kraffczyk.	Granted
Request for Archbishop Sapieha	Denied
Request for witness Professor Mlynarskyi	Granted
Request for witness N. Naumann	Granted
Request for witness Dr. Lammers	Granted
Request for witness Gnauck	Required to furnish more information as to occupation and official status.

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FUNK		
	Request for witness Dr. Lammers	Granted
VON SHIRACH		
	Request for witness Gustav Hopken	Granted
SAUCKEL		
	Request for witness Dr. Didier	Denied
	Request for witness Landrat Berk	Granted
	Request for witness Karl Goetz	Denied
	Request for witness Dr. Timm	Granted
	Request for witness Dr. Geissler	Granted
JODL		
	Request for witness General Pemsel	Consideration postponed.
	Request for witness General Gehlen	
	Request for witness General Schoch	
	Request for witness Colonel von Freyend	
	Request for witness General von Buttlar-Brandenfeis	

W. L. Mitchell
Brig. Gen. U.S. Army
Dep. Secy.

H2786-0130

Palace of Justice,
Nurnberg, Germany.

2761

#40

INTERNATIONAL MILITARY TRIBUNAL

Executive Session

November 19, 1945 4:00 P.M.

Lord Justice Lawrence, Chairman

Present; All Members of the Tribunal and their alternates.

There was a discussion of the procedure for the opening of the trial.

The meeting:

Agreed that the indictment should be read in full.

Colonel Storey was invited to the meeting to express the views of the Chief Prosecutors with reference to the manner in which the indictment should be read.

Colonel Storey stated that the prosecution and defense counsel had entered into a stipulation agreeing that only portions of the indictment should be read but he was informed that the Tribunal for several reasons had agreed that the indictment be read in full.

The meeting:

Agreed that the indictment should be read by Members of the four prosecuting staffs designated by the Tribunal and that Colonel Storey should consult the Chief Prosecutors and suggest the names of qualified persons.

Colonel Storey withdrew.

Mr. de Vabres suggested that the convening of the sessions of the Tribunal should be announced in order that the audience might come to order before the arrival of the Judges.

The meeting:

Agreed that at the opening session the announcement should be as follows: "Attention, the Members of the International Military Tribunal," and thereafter, "Attention, The Tribunal," and that the announcement should be made by a person designated by the General Secretary.

Lord Justice Lawrence stated that Major Neave had recommended as counsel for Bormann, Dr. Frederich Bergold, who was not a Nazi. The meeting agreed that Dr. Bergold should be appointed counsel for Bormann.

The Executive Session adjourned at 5:00 P.M. and an Administrative Session immediately convened with Lord Justice Lawrence remaining in the Chair.

Administrative Session

On motion of Mr. Biddle, the meeting agreed that petitions filed by defense counsel should immediately be sent to the press room and that a similar procedure should be followed with respect to orders of the

H2786-0131

Tribunal, but that the General Secretary is under duty to call to the attention of the Tribunal any petition which he deems advisable before releasing it to the press.

The Tribunal authorized Lord Justice Lawrence to sign formal orders reflecting the decisions of the Tribunal.

Major Neave recommended to the Tribunal the names of two attorneys, Dr. Georg Boehm and Dr. Ludwig Babel to represent members of the SA and SS, respectively.

The meeting:

Agreed that these two lawyers should be appointed and that application for members of the SA and SS should be referred to them.

The Chief Prosecutor asked permission to make a statement to the Tribunal.

All but the Members, their alternates, the Chief Prosecutors and interpreters withdrew.

General Mitchell submitted the report of the doctors designated to examine Streicher. The Tribunal noted approval of the report. ~~and the General Secretary was instructed to inform Streicher's counsel of the result of the examination.~~ WRM

The meeting:

Agreed that any action with regard to the examination of Hess should await a full report from all of the doctors engaged in the examination of him.

The meeting adjourned at 6:15 P.M.

W. L. Mitchell
Brig. Gen. U.S. Army.
Sec. Gen.

H2786-0132

Palace of Justice,
Nurnberg, Germany

#39

INTERNATIONAL MILITARY TRIBUNAL

Executive Session

November 19, 1945 10: A.M.

Lord Justice Lawrence, Chairman

Present; All Members of the Tribunal and their alternates.

Lord Justice Lawrence stated that the opening statement for the trial had been prepared and translated into French and Russian, and that typed copies would be available shortly.

It was agreed that the Secretaries should take the oath of office prior to consideration of the opening statement.

Lord Justice Lawrence administered the oath of office to General Mitchell, Mr. Willey, Mr. McIlwraith, Captain Kolomatsky and Mr. Martin, each Secretary repeating the oath in his respective language.

> "I do solemnly swear that I will perform my duties as Secretary to the Tribunal according to the best of my ability and skill, and that I will faithfully keep secret all matters which may come to my knowledge in the course of my duties which are not expressly ordered to be made public by the Tribunal."

General Nikitchenko stated that he had been notified by Colonel Pocrovsky, an associate to the Soviet Chief Prosecutor, that the Chief Prosecutor, General Rudenko, is ill and because of that he would not be here for the opening of the trial on November 20th. He stated that Colonel Pocrovsky had informed all of the Chief Prosecutors and had raised the question that the trial be postponed for about twelve days since he had no authority to act for the Chief Prosecutor at the trial. General Nikitchenko said he did not know what the attitude of the Chief Prosecutors was but that he considered it necessary to inform the Tribunal in order to ask the opinion of the Chief Prosecutors and to discuss the question of postponement with them.

At the suggestion of Mr. Biddle, it was agreed that the motion should be discussed only within the Tribunal and that everybody should retire except the Members, the alternate Members, and the interpreters.

All withdrew from the Conference Room except the Members, their alternates, and the interpreters.

The Executive Session adjourned at 12:30 P.M.

W. L. Mitchell
Brig. Gen. U.S. Army,
Gen. Sec.

H2786-0133

Palace of Justice,
Nurnberg, Germany.

INTERNATIONAL MILITARY TRIBUNAL

#38

Administrative Session

November 17, 1945 2:00 P.M.

General Nikitchenko, Chairman

Present; All Members of the Tribunal and their alternates.

Agenda: Reading of the indictment; method of hearing pleas; appointment of a Marshal; statement by the President; swearing in of the Secretaries; approval of the procedure for processing applications; oaths of witnesses; payment of compensation to counsel; approval of a form of application to be used by Members of alleged criminal organizations.

Mr. Justice Birkett recalled a matter not on the agenda, the report of Major Neave. Major Neave referred to a report which he had distributed indicating that there are eight Nazis among the lawyers representing the individual defendants.

The question of the propriety of permitting Nazi lawyers to appear as counsel was discussed and Lord Justice Lawrence, Mr. Justice Birkett, Mr. de Vabres, Judge Parker, and Mr. Biddle expressed the view that under Article 23 it could not be prevented.

General Nikitchenko requested Major Neave to inquire and report as to whether the eight Nazi lawyers had been readmitted to practice before German Courts.

The Administrative Session adjourned at 2:55 P.M. to attend the Public Session.

The Administrative Session was resumed at 3:15 P.M.

The meeting;

Agreed to the proposal of Mr. Justice Birkett that a draft of the President's remarks at the opening of the trial should be prepared over Sunday and submitted to the Members for consideration on Monday.

Major Neave reported that he had made investigation concerning the eight Nazi lawyers appearing for the defendants and that all had applied to be admitted to practice in Military Government Courts. He stated that three had been admitted and that as to the other five there had been no decision. The three admitted being, Dr. Laternser, Dr. Klefisch and Dr. Kauffmann.

The meeting:

Agreed that Major Neave should continue his investigation into the status of defense counsel.

In answer to a question by Major Neave Mr. Biddle suggested that counsel who are to be interrogated for the purpose of selecting an attorney for Bormann be advised that they will be expected to begin work immediately, that there will be no delay unless ordered by the Court, that they will be

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paid the same fee as other appointed counsel, and that they be informed that it is their professional duty to accept an appointment by the Tribunal. Lord Justice Lawrence added that they be informed that in view of the fact that the prosecution will take some considerable time to bring their case before the Court, they will not be heard for a very considerable time.

Major Neave stated that a number of counsel had inquired whether their associates might represent them in open Court when it was desirable for them to be absent for the purpose of carrying on their practice in their respective cities.

The meeting;

Agreed that counsel should be informed that the Tribunal will expect that each counsel will regard his duty to the International Military Tribunal as of the first and most pressing importance and, therefore, that any application to be absent and represented by some other counsel must be made to the Court and must be based on strong grounds before it is granted, and that without the permission of the Tribunal, they are not entitled to leave the sessions of the Court.

The meeting;

Agreed that the request of Dr. Dix that his associate, Dr. Krauss, be permitted to sit in that portion of the Court Room reserved for the public be granted.

On motion of Mr. Biddle, seconded by Lord Justice Lawrence, Lt. Herbert C. Dunkee and Lt. Lawrence L. Alden, the two officers in charge of the Court Room, were appointed Marshals of the Court.

The meeting;

Agreed that it would not be expedient to appoint representatives from the other delegations to serve as additional Marshals.

Captain Fisher reported that an application for leave to be heard had been received from a group of SS men imprisoned at Dachau.

The meeting;

Agreed that counsel should be appointed to represent Members of the SA and SS and that such counsel should have the right to address the Tribunal respecting applications received from Members of those organizations, and that Major Neave be directed to select those counsel.

The question of an advance payment of compensation to counsel was discussed and Mr. Biddle suggested a payment of 2,000 Marks to each lawyer with the exception of those representing Krupp. General Nikitchenko suggested that counsel should also be excepted who have a special agreement with the defendants.

The meeting;

Agreed that Major Neave should submit a list of counsel to whom payment should be made bearing in mind counsel appearing for several defendants and those having associates.

The several secretaries were directed to appear at the meeting tomorrow at 10:00 o'clock for the purpose of taking an oath, the text of which was agreed upon following the submission of a draft by Mr. Justice Birkett.

Mr. Biddle moved the approval of the forms of the oath to be administered to witnesses which had been submitted by the American, British and French delegations and also the approval of such form as the Soviet Delegation should submit, and it was suggested that copies of the various oaths be distributed to the secretaries.

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Mr. Justice Birkett suggested that a form of affirmation should also be available.

The meeting;

Agreed that each witness should be asked to swear his national oath in the form in which it is or was established in his country or in case of objection on religious grounds to make affirmation in the form acceptable to the Tribunal.

The question as to who would administer the oath was not definitely agreed upon although Mr. Biddle expressed accord with the suggestion of General Nikitchenko that it should be done by the President.

The meeting;

Agreed that the President should ask the defendants whether they plead guilty or not guilty.

The meeting;

Agreed upon the wording of the formal order to be entered in the matter of the application of Gustav Krupp.

Mr. Biddle suggested that the agenda for the next Organizational Session should include: the procedure for handling applications; publicity; and the President's statement; and that applications from defendants should be considered in an Executive Session.

The General Secretary reported that counsel for Doenitz had submitted the interrogation to be put to Lt. Eck, whose execution had been stayed by the Rhine Army.

Mr. Biddle and Judge Parker agreed with General Nikitchenko that the list of interrogations should be submitted to the prosecution before being forwarded for submission to Lt. Eck.

The Administrative Session adjourned at 6:30 P.M.

W. L. Mitchell
Brig. Gen. U.S. Army,
Gen. Secy.

MC

H2786-0136

Palace of Justice,
Nurnberg, Germany.

WLM

#37

INTERNATIONAL MILITARY TRIBUNAL

Executive Session

November 17, 1945 11:00 A.M.

Lord Justice Lawrence, Chairman

Present: All Members of the Tribunal and their alternates.

Lord Justice Lawrence stated that two of the three items on the prepared agenda having been disposed of, i.e., the Streicher and Bormann matters, the opinion on the Alfried Krupp matter remained to be decided.

The meeting:

Agreed that Major Neave should select counsel for Bormann and report on the person selected at 2:00 P.M. today.

The grounds on which the decision in the Alfried Krupp matter should be based were discussed at length.

Judge Parker proposed that a vote be taken on whether to adopt the American or French text of the opinion.

General Nikitchenko stated that if he were required to vote on whether to adopt the wording of the French text or that of the American text he would have to reject both.

Mr. Biddle then proposed that the order rejecting the motion read as follows:

> "The motion to amend the indictment to add the name of Alfried Krupp as a defendant is denied."

Lord Justice Lawrence inquired whether in view of the arguments put forward by General Nikitchenko any Member desired to reconsider the question.

Mr. Biddle, Mr. de Vabres and Lord Justice Lawrence agreed that they would not be willing to reconsider.

Mr. Justice Birkett suggested that the order proposed by Mr. Biddle be amended to read as follows;

> "The motion to amend the indictment by adding the name of Alfried Krupp has been considered in all its aspects by the Tribunal, and the application is rejected."

Mr. Biddle accepted the amendment and it was agreed that the order should be announced in that form.

Mr. Biddle proposed that the decision be announced in open Court at 3:00 o'clock today. A vote was taken on this proposal and it was carried three to one, Mr. de Vabres, Mr. Biddle and Lord Justice Lawrence voting in favor of the proposal and General Nikitchenko against.

General Nikitchenko inquired whether it would be announced in open Court that the decision was three to one. He stated that he would not insist on announcing the separate opinion of his delegation in this case.

The question as to whether dissents should be announced to the public was discussed briefly but not determined.

The Executive Session adjourned at 1:15 P.M.

W L Mitchell
Brig. Gen. U.S. Army
Gen. Secy.

H2786-0137

Palace of Justice,
Nurnberg, Germany.

INTERNATIONAL MILITARY TRIBUNAL

#36

Executive Session

November 16, 1945 2:15 P.M.

Lord Justice Lawrence, Chairman

Present: All Members of the Tribunal and their alternates with the exception of General Nikitchenko.

Lord Justice Lawrence said:

"The subject which we postponed to this afternoon at 2:00 o'clock, in the hope that General Nikitchenko might be here to discuss the matter with us and decide it, is the question of the judgment of the Tribunal upon the motion that Alfried Krupp should be either substituted for or added to the present indictment; or that a new indictment should be filed against Alfried Krupp and amalgamated or consolidated and heard with the present indictment."

The General Secretary submitted a written motion, on behalf of the Committee of Chief Prosecutors, that the indictment be amended by adding the name of Alfried Krupp as a defendant.

Lord Justice Lawrence invited each Member and alternate to express his view as to what judgment the Tribunal should pronounce upon this motion.

Mr. Volchkov requested that consideration be postponed until the document was translated into Russian and suggested a discussion of a written application by the Chief Prosecutor of the Soviet Union requesting that Streicher be subjected to a psychiatric examination.

The meeting:

Agreed that the discussion of the Alfried Krupp matter should not be interrupted but that a vote on the motion should not be taken until Mr. Volchkov received a translation.

Each Member and alternate expressed his opinion on the motion to amend the indictment.

In response to the invitation of Lord Justice Lawrence, Mr. de Vabres proposed that the motion to amend be rejected.

Mr. Volchkov proposed that further argument be heard from the Chief Prosecutors on the motion to amend.

Mr. de Vabres, Mr. Biddle and Lord Justice Lawrence voted against the proposal of Mr. Volchkov.

H2786-0138

Mr. Volchkov suggested that a vote should be taken by the Members separated from their alternates.

Lord Justice Lawrence called attention to Article 2 of the Charter providing that "The alternates shall, so far as they are able, be present at all sessions of the Tribunal." He stated that an Executive Session in the conference room was a session of the Tribunal and, therefore, the alternates must be present. In this he was supported by Mr. Biddle.

Colonel Storey appeared at the invitation of the Tribunal to answer questions put to the Chief Prosecutors relative to the appointment of counsel to represent Members of alleged criminal organizations.

He stated that the Chief Prosecutors believed that the criminal organizations should have counsel to represent them and that with reference to the actual appointment of counsel they recommended that, when possible, attorneys now appointed and appearing for some of the defendants included in those organizations might represent the organizations, thus avoiding the naming of additional counsel.

In answer to a question by Mr. Justice Birkett, Colonel Storey said that the Chief Prosecutors considered that there was a defendant in Court to represent or who would be a part of each organization.

He stated that he considered there would be no objection to say to counsel representing certain individuals that the Tribunal would also expect from them a defense of the organization.

In answer to a question by Mr.Biddle , Colonel Storey said that, when possible, the Prosecution would act jointly in submitting applications to the Tribunal.

In answer to an inquiry by Mr. Volchkov, Colonel Storey explained that when action on a certain matter by the Chief Prosecutors is desired, a notice is sent to each of the Chief Prosecutors saying that if no objection is filed by a certain time then the opinion given will be considered that of the four prosecutors.

Colonel Storey withdrew.

The vote on the proposal of Mr. Volchkov that the Tribunal should have further argument on the motion with reference to Alfried Krupp was resumed and Mr. Volchkov voted in favor of his proposal.

Lord Justice Lawrence announced the vote as three to one against Mr. Volchkov's proposal.

Mr. Volchkov proposed that a vote should not be taken on the question of amending the indictment until tomorrow.

Mr. de Vabres, Mr. Biddle and Lord Justice Lawrence agreed that a vote should be taken without further delay.

Upon the question of whether to reject or grant the motion of the Chief Prosecutors for an amendment, Mr. de Vabres, Mr. Biddle and Lord Justice Lawrence voted to reject, and Mr. Volchkov voted to grant.

H2786-0139

Lord Justice Lawrence announced the vote as three to one to reject the motion of the Chief Prosecutors.

It was suggested and agreed that the reasons to be stated for rejecting the motion should be considered tomorrow.

Mr. Biddle suggested that business for consideration on the agenda tomorrow would be the Streicher and Bormann matters and the Alfried Krupp opinion in an Executive Session.

Administrative matters still to be determined would include reading of the indictment, method of hearing pleas, appointment of a Marshal, statement of the President at the opening of the trial, swearing in of the Secretaries, approval of procedure for processing applications by defense counsel, oaths of witnesses, approval of the form of applications for persons asking to be heard with regard to the criminal organizations, payments to counsel, publicity, report on the notice to organizations, and approval of the minutes.

The meeting:

Agreed that the General Secretary, on behalf of the Tribunal, should direct the French, Russian and American doctors present in Nurnberg to conduct an examination of Streicher immediately, and that directions to the doctors, Dr. Jean Delay, Professor Eugene Krasnushkin and Colonel Paul L. Schroeder should be given as follows:

1. Is he sane or insane?

2. Is he fit to appear before the Tribunal and present his defense?

3. If he is insane, was he for that reason incapable of understanding the nature and quality of his acts during the period of time covered by the indictment?

The Executive Session adjourned at 6:20 P.M.

W L Mitchell
Brig. Gen. U.S. Army,
Gen. Secy.

H2786-0140

WLM

Palace of Justice,
Nurnberg, Germany.

#35

INTERNATIONAL MILITARY TRIBUNAL

Administrative Session

November 16, 1945 12:40 P.M.

Mr. Volchkov, Chairman

Present: All Members of the Tribunal and their alternates with the exception of General Nikitchenko.

Mr. Volchkov stated that he was of the opinion that the Rules in Russian and French were now ready.

The meeting:

Agreed, on motion of Mr. Biddle, that the Russian and French texts be accepted and that along with the English text be approved as the Rules of the Tribunal.

Consideration was given to the Russian draft of the proposed order as to publication. Final approval of the text was postponed until a translation of the Russian text could be made.

The Administrative Session was adjourned at 1:10 P.M.

W L Mitchell
Brig. Gen. USArmy
Jud. Adv.

MP

H2786-0141

Palace of Justice,
Nurnberg, Germany.

INTERNATIONAL MILITARY TRIBUNAL

#34

Executive Session

November 16, 1945 10:30 A.M.

Lord Justice Lawrence, Chairman

Present: All Members of the Tribunal and their alternates with the exception of General Nikitchenko.

Lord Justice Lawrence stated that the first business on the agenda for determination was the Alfried Krupp matter.

Mr. Volchkov requested that consideration of this question be deferred until the afternoon session in view of the fact that he was expecting the momentary arrival of General Nikitchenko.

The meeting:

Agreed that a determination of the Alfried Krupp matter should not be deferred after 2:00 P.M. today.

Agreed that the Chief Prosecutors should be notified that the Tribunal will sit at 10:00 A.M. tomorrow in Public Session to consider the question whether the defendant Bormann shall be tried in absentia and it is requested that the Chief Prosecutors be present to express their views upon the question.

General Mitchell reported that there were no applications ready for consideration.

Judge Parker stressed the importance of the question of appointing counsel to represent Members of the alleged criminal organizations and suggested that counsel should be appointed at once, and that at the Public Session tomorrow it might be wise to seek the opinion of the Prosecutors and defense counsel.

After full discussion, the meeting:

Agreed that the Chief Prosecutors be invited to advise the Tribunal this afternoon of their views on the following questions:

1. Is it necessary or desirable that the Tribunal designate counsel to represent the interests of the accused organizations, or any of them?

2. To what extent may it be assumed that the interests of the accused organizations are adequately represented by the individual defendants before the Tribunal and their counsel?

H2786-0142

Captain Fisher was requested to inform the Tribunal what applications so far have been received from Members of organizations which the prosecution have asked be declared criminal organizations.

He stated that of the applications received and reviewed to date there were twelve from members of the SA; one from an attorney representing two members of the Allgemein SS; and one from a man who wished to be heard on behalf of the Political Leadership Corps.

The Tribunal adjourned its Executive Session at 12:40 P.M. and immediately reconvened in Administrative Session.

W. L. Mitchell
Brig. Gen. U.S. Army
Asst. Secy.

H2786-0143

Palace of Justice,
Nurnberg, Germany.

INTERNATIONAL MILITARY TRIBUNAL

Administrative Session

#33

November 15, 1945 5:40 P. M.

Honorable Francis Biddle, Chairman

Present: All Members of the Tribunal and their alternates were present with the exception of General Nikitchenko.

The General Secretary was asked to make a report on the procedure proposed to be followed in dealing with applications for witnesses and documents made by defendants.

The proposal, "That if the document is in the defense counsel information center, counsel should apply there rather than to the Tribunal" was approved. Since other proposals appeared to be in conflict with the Rules however, it was agreed that further consideration of this matter should be taken up when General Nikitchenko is present.

Mr. Biddle asked the views of the Members with respect to the Minute on Publicity, copies of which he had distributed. The minute was approved in principle with the understanding that the exact wording would be agreed upon after General Nikitchenko arrived.

Mr. Biddle suggested the agenda for tomorrow, the matters to be considered at two meetings. An Executive Session to decide on questions of law concerning Alfried Krupp and Bormann, and applications by defendants. The other meeting to deal with administrative matters, i. e., publicity; swearing in of the secretaries; the approval of the Russian and French texts of the Rules; the approval of the order of the trial such as the opening statement by the President; the method of taking pleas from the defendants; the order in which pleas should be taken; the method of reading the indictment in case the defendants do not agree to dispense with it.

The question of reading the indictment was discussed and it was agreed that the General Secretary consult the prosecutors as to their views and inform the Tribunal.

A request to make a motion picture, with sound recording, of the Tribunal in Executive Session some time before the trial starts was refused.

The General Secretary was authorized to announce that the usual hours for the sessions of the Court would be from 10:00 A.M. to 12:30 P.M. and 2:00 P.M. to 4:30 P.M., but that these hours might not apply the first day.

The meeting adjourned at 6:30 P.M.

W L Mitchell
Brig Gen U S Army
Gen. Secy.

H2786-0144

Palace of Justice,
Nurnberg, Germany.

WLM

#32

INTERNATIONAL MILITARY TRIBUNAL

Executive Session

November 15, 1945 3:45 P.M.

Lord Justice Lawrence, Chairman

Present: All Members of the Tribunal and their alternates with the exception of General Nikitchenko.

The meeting:

Agreed to discuss, without deciding, the matter of Alfried Krupp. Mr. Biddle reviewed the particulars relative to the postponement of the trial as to Gustav Krupp and the oral motion of Mr. Justice Jackson for an amendment to the indictment by adding Alfried Krupp as a defendant. The points at issue were stated and each of the Judges exchanged their views.

Applications reported by Captain Fisher were dealt with as follows:

HESS	
Letter to Hitler left behind on flight to England	Granted
Examination of Goering as witness	Granted
Report of Foreign Secretary Eden	Granted
SPEER	
Request for witness von Poser	Granted
VON RIBBENTROP	
Request for witness Gauss	Granted
SAUCKEL	
Request for witness Peuckert	Granted
Request for witness Dr. Stothfang	Granted
Request for witness Dr. Beisickel	Granted
FRICK	
Request for copy of "Inside Europe by John Gunther	Granted
KEITEL	
Request for collection of documents of German High Command from 1939 on dealing with War Crimes	Granted
SPEER	
Request for four documents known to be at Camp Dustbin USFET	Granted
WAGNER	
Request to submit papers to attorney for defendant Jodl	Granted

H2786-0145

The meeting:

Agreed that as to the reported applications from Members of alleged criminal organizations, consideration should be deferred until a number of similar applications, in the process of being translated, were ready for consideration.

Captain Fisher, on behalf of Major Neave, called the Tribunal's attention to a request by Dr. Dix that Dr. Kraus be permitted to attend Court sessions with him so that in the event Dix had to withdraw Kraus could carry on.

The meeting:

Agreed that Dix be informed of the Tribunal's decision that only one counsel for each defendant might have a seat in the Court Room, and that Dr. Dix be requested to remain in Nurnberg until further information on defense counsel was available.

The meeting:

Agreed that the prosecutors should be advised informally that it was the desire of the Tribunal that more matters should come up as a unit, through a Committee, rather than individually, and that each Member should take up this question with his individual prosecutor.

The Executive Session was adjourned at 5:40 P.M. and the Tribunal reconvened in Administrative Session.

W L Mitchell
Brig. Gen. U.S. Army
Gen. Insp.

WLM.

H2786-0146

Palace of Justice,
Nurnberg, Germany.

#31

WLH

INTERNATIONAL MILITARY TRIBUNAL

Executive Session

November 15, 1945 11:15 A.M.

Lord Justice Lawrence, Chairman

Present: All Members of the Tribunal and their alternates with the exception of General Nikitchenko.

Colonel Dostert was present to answer questions and profer information concerning the operation of the interpreting equipment. He was asked whether conversations between the Judges while on the bench could be kept off the air and stated that he would try to provide some remedial device. Mr. Biddle explained the function of the bench interpreters in answer to a question by Mr. Volchkov. Mr. Volchkov asked if it were possible to have special mechanical equipment installed for the purpose of conversation between the Judges and Colonel Dostert said he would speak to the technicians, but emphasized the complication of such a system because of the extra equipment which would be necessary.

The meeting:

Agreed that Colonel Dostert be requested to consider whether some simple device could be developed to function in lieu of bench interpreters.

Mr. Volchkov inquired as to the manner in which the Judges could notify the interpreters that the translations were not coming through and Colonel Dostert recommended that four microphones, instead of one, be placed on the bench in order that each one of the Judges could speak to the interpreters.

Mr. Justice Birkett inquired about the use of the interpreting machinery for executive meetings and Colonel Dostert said that he thought its use at such meetings was feasible. All agreed that it should be tried out.

Colonel Dostert withdrew.

Lord Justice Lawrence read the draft opinion on the Gustav Krupp application, which was to be rendered at the afternoon session.

The meeting:

Agreed upon an amendment of the opinion which would eliminate mention of the name of Alfried Krupp von Bohlen.

Captain Fisher was requested to report on applications. The first application to be considered was one by Doenitz for a rule that no more interrogations as to him take place unless his counsel is present.

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The meeting:

Agreed, there being no objection by the prosecutors, that this particular application by Doenitz should be granted and notice posted on the defense counsel's bulletin board. Further consideration of the question of the principle involved was postponed to a later date.

The Executive Session adjourned at 1:00 P.M.

W. L. Mitchell
Brig. Gen. USArmy,
Gen. Insp.

H2786-0148

Palace of Justice
Nuremberg, Germany

#30

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 14, 1945 2:00 P. M.

Lord Justice Lawrence, Chairman

All of the Members and their Alternates were present, with the exception of General Nikitchenko.

Lord Justice Lawrence announced the agenda as follows: (1) status of Alternates, (2) decision on the Krupp application, (3) the statement of the President at the meeting with defense counsel, (4) new applications.

1. Judge Parker stated that the difference in the chairs at the trial provided for the Members and Alternates had raised in his mind the question of the position of the Alternates. He pointed out that the Alternates were bound to be present and might serve and therefore had a responsibility for the action of the Tribunal, though they do not vote unless the Member is absent. He thought they should be entitled to ask questions and to express opinions before votes were taken. Mr. Justice Birkett agreed in general but pointed out that if the Alternates asked questions in court their position would differ little from that of the Members in the public's estimation. Messrs. Volchkov and Falco also expressed general agreement with Judge Parker. Mr. Biddle agreed but thought it desirable that each Alternate consult the Member from his country before stating an opinion in order to avoid, if possible, a division within the national representation. M. de Vabres agreed. Lord Justice Lawrence stated in his opinion the chairs in court should be the same for Members and Alternates. He did not think the responsibility of the Alternates was precisely equal to that of the Members because they did not vote. He also urged that both Members and Alternates should exercise restraint in asking questions and thought that in open court the opinion should be asked only of the Members on the assumption that each would consult with his Alternate before expressing an opinion. In private sessions, however, the opinion of both Members and Alternates should be asked. Judge Parker expressed the opinion that in open court questions should generally be asked by the President and Mr. Biddle thought that in general Alternates should consult with the Member before asking a question in open court. Lord Justice Lawrence stated that he thought this discussion had been useful in clarifying the position of the Alternates.

2. The Tribunal considered informally the opinion on the Krupp application and there was general agreement that the medical report should be accepted, that Gustav Krupp should not be tried in absentia but that he should continue on the indictment with the possibility of trial should he recover. Certain of the Members characterized the idea of substituting Alfried Krupp for his father as "shocking." The opinion was also expressed that doubt existed as to the right of the

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prosecution to add names to the indictment and as to the amount of delay which such an addition, if possible, would entail. It was pointed out that Article 14 of the Charter provided that the prosecutors as a committee could "settle the final designation of major war criminals to be tried by the Tribunal" and that Rule 3 contemplated amendments to the indictment before trial, but it was not certain whether the application for Alfried Krupp had been made by the prosecutors acting as a committee nor was it certain that the Tribunal lacked power to refuse an amendment to the indictment.

There was also a discussion as to whether the Tribunal was competent to order the continued detention of Gustav Krupp because this was a matter within the power of the occupying forces. A majority of the Members finally agreed that it would be better to accept the wording proposed by Mr. Biddle stating that the charges against Gustav Krupp should be retained for trial hereafter if his physical condition should at any time permit. It was pointed out that the question of adding Alfried Krupp involved postponement of the trial and therefore had a relationship to the application by Streicher to be heard on the 15th.

The meeting:

Agreed that Lord Justice Lawrence should draft an order preceded by a brief opinion stating these general conclusions. Mr. Biddle expressed the opinion that orders or opinions should in general be drafted by the President upon instruction of the Tribunal without the need of reference back, but Lord Justice Lawrence stated that he would like to submit his drafts to his colleagues if possible. He said he would have a draft ready to be submitted at the meeting immediately after the 10:00 o'clock meeting with the defendants' counsel tomorrow and that this order should be announced at the public hearing on the Streicher application at 2:00 in the afternoon.

Mr. Barton of the British Secretariat stated that he had been asked by Major Neave to inform the Tribunal that two of the lawyers being held in reserve, Grumbi and Valk, were anxious to return to Berlin and the meeting agreed that they should be permitted to go.

3. Lord Justice Lawrence read the statement which he proposed to make at the meeting with defendants tomorrow at 10:00. A number of the Members made suggestions as to the content and the meeting agreed that Lord Justice Lawrence should prepare his statement on the basis of this discussion without further submission of the text and present it orally at the public session.

4. Captain Fisher presented applications from a number of defendants and a cable from the British military authorities in control of Lieutenant Eck opposing postponement of his execution on humanitarian and public opinion grounds and expressing the opinion that his evidence would not be important in the trial. The meeting discussed this cable with special reference to pages 34 and 11 of the indictment, which indicated that his testimony might be important for defendant Doenitz.

The meeting:

Agreed, at the suggestion of M. de Vabres, that the procedure contemplated by Article 17(e) of the Charter be adopted and that a commission be appointed, possibly from the British Judge

H2786-0150

Advocate General, at the tribunal which had condemned Lieutenant Eck, and that Doenitz' counsel be notified in order that he might send written instructions for interrogating the witness, the prosecution being also notified and permitted to arrange for cross-examination of the witness if they wished. The General Secretary should be directed to request the Commander of the British zone to arrange for this commission and to stay execution until it had carried out its functions.

Captain Fisher submitted a list of applications from 12 defendants, saying that all but three had been accepted by the prosecution.

The meeting:

Agreed that the application by Rosenberg for a witness to testify on Soviet deportations in Latvia be rejected and that the General Secretary be directed to inform Rosenberg's counsel of this decision in writing without giving reasons.

Agreed that Goering's request for a personal interpreter at the trial be rejected.

The remaining applications objected to by the prosecution concerned members of the S.A. who sought to excuse themselves for membership in this organization rather than to defendxxx the organization. This was thought to involve considerable discussion and was postponed.

It was pointed out that the prosecution had not objected to the application of Hess for examination by experts from the Universities of Zurich and Lausanne because this had already been rejected by the Tribunal in view of the appointment by the latter of a medical commission. Consideration of the remaining applications was postponed.

The meeting adjourned at 7:00 p.m.

W L Mitchell
Brig. Gen. U.S. Army,
Gen. Sec.

H2786-0151

Palace of Justice

INTERNATIONAL MILITARY TRIBUNAL

#29

Organizational Meeting

November 13, 1945 4:30 P.M.

Honorable Francis Biddle, Chairman

Present: Judges Biddle, Parker, de Vabres, Falco and Volchkov.

The General Secretary advised that he had informed Colonel Storey that the Tribunal was considering the question of appointing counsel for members of defendant organizations and reported that as far as the American prosecutor was concerned there was no objection to the appointment of such counsel, but the advisability of appointing lawyers to serve who were already here was suggested.

Sir David Maxwell-Fife appeared before the Tribunal and explained the form of the application which had been recommended be used by individual members of the defendant organizations. He suggested that the Tribunal might wish to consider the practicability of assigning to the particular lawyer now defending a member of a designated organization the defense of all those members of that organization who desire to be heard upon the issue of the criminal character of the organization.

Mr. Biddle referred to a memorandum from the British Secretary, stating that General Montgomery was opposed to a further delay of the execution of Lieutenant Eck. He suggested, however, that consideration of this matter should await the arrival of the British members.

The meeting:

Agreed that the German lawyers, Drs. Brumby and Falck, who had been requested to remain in Nurnberg, might return to Berlin providing Mr. Volchkov, who had been called from the meeting, was consulted and offered no objection.

In view of the fact that the British members were unable to be present at the meeting today, Mr. Biddle invited them and all of the members present to gather at his residence this evening for an informal discussion.

The question of the reading of the indictment was discussed, and it was suggested that consideration should be given to the possibility that the defense might waive this formality.

The meeting adjourned at 5:30.

W L Mitchell
Brig. Gen. US Army
Sec. Secy.

H2786-0152

Palace of Justice
Nurnberg, Germany

#28

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 13, 1945 10:00 A. M.

M. de Vabres, Chairman

Present: Judges Biddle, Parker, de Vabres, Falco and Volchkov.

M. de Vabres mentioned the matter of approving the minutes but since neither the French nor the Russian texts were ready, it was deemed advisable that this matter be deferred until each delegation had its minutes in proper form. Mr. Biddle suggested the desirability of having a stenographer from each delegation present at the meeting for the purpose of recording the minutes, thus avoiding the delay incident to translation.

Major Neave, reporting on the status of defense counsel, stated that certain inaccuracies appeared on the list of counsel which had been distributed and that he was having a revised list prepared. He stated that Dr. Laternser, counsel for Seyss-Inquart, had agreed to serve on a voluntary basis and, therefore, it was not necessary that the Tribunal consider the question of appointing him.

Mr. Volchkov inquired regarding the number of Nazi lawyers on the list and Major Neave stated that he was having an investigation made with reference to the party affiliation of defense counsel and would be able to render a report in that regard in the near future.

Mr. Biddle suggested that a matter for consideration was whether the Tribunal should appoint lawyers to represent members of the defendant organizations, but that he was not urging a full discussion at this meeting. He expressed the view that it would be desirable to hear from the prosecution on this question.

The meeting:

Agreed that the General Secretary be requested to consult Colonel Storey informally on the question of appointing lawyers for members of the "criminal organizations".

Mr. Volchkov raised the question as to the propriety of appointing Nazi lawyers to represent members of the defendant organizations, and it was decided that this matter should be put on the agenda for the first meeting next week.

H2786-0153

Mr. Biddle referred to the answer for the United States to the motion filed in behalf of Krupp von Bohlen which motion requested that his trial be "deferred until he is again fit for trial". He informed the meeting of the content of the answer and pointed out that it was only the answer of the United States. He stated that it would be discussed later before the full Tribunal and that his purpose in calling attention to it at this meeting was to point out what kind of a document it is.

The principle of a trial in absentia as applied to Krupp von Bohlen was discussed briefly but not with the view of making any determination.

Mr. Volchkov stated that he considered the Tribunal has a right to try Bormann in absentia and called attention to the fact that this question still stands on the agenda. Mr. Biddle suggested that the Bormann matter should be discussed before the full Tribunal.

The General Secretary called attention to a form of application which the British Prosecuting Staff had suggested be used by members of the defendant organizations, who might wish to submit themselves to the jurisdiction of the Tribunal. The General Secretary was requested to furnish each member of the Tribunal with a copy of the application and the correspondence relative thereto.

The meeting:

Agreed that the General Secretary should endeavor promptly to obtain all applications which may have been made as a result of the procedure recommended to British authorities, as well as complete information on the subject, i.e., who had made applications, their nature, and to whom made.

The question of the attire in which the members should appear at the public meeting on November 14th was discussed.

The meeting:

Agreed that in the event General Nikitchenko arrives in time to attend the meeting, the members should dress as they would at the public meetings scheduled to begin next week, but that if General Nikitchenko is delayed, the members should wear business clothes.

Mr. Volchkov referred to the question of the examination of the defendant Hess and inquired as to the whereabouts of the doctors involved. M. Falco was requested to give the names of the French doctor to the General Secretary so that he might facilitate his movement to Nurnberg from Paris. Mr. McIlwraith advised that the British doctors were expected to arrive today with the British Judges. The Tribunal was informed that the Soviet doctor and one of the American doctors were here, and information as to the others expected would be obtained.

The meeting adjourned at/2:30 P.M. to meet at 4:30.

W L Mitchell
Brig. Gen. U.S. Army
Asst. Secy.

H2786-0154

Mr. Biddle's Residence
Nuremberg, Germany

#27

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 13, 1945 9:00 P. M.

Honorable Francis Biddle, Chairman

All of the Members and their Alternates were present with the exception of General Nikitchenko.

Mr. Biddle narrated the developments since the British Judges left Nuremberg.

The hearing on Krupp's application, set for the morning of the 14th, was discussed, as well as the reply received from the United States prosecutor. Lord Lawrence stated that he understood the British prosecutors favored the trial of Krupp in absentia and wished particularly to avoid any delay in the trial. The general opinion of the meeting was that Krupp should not be tried in absentia but that he should continue in custody for possible later trial.

The meeting:

Agreed that Lord Lawrence should preside at this hearing as well as at all other sessions of the trial at Nuremberg.

Agreed that the seating order at the trial should be, from left to right from the point of view of the audience, Volchkov, Nikitchenko, Birkett, Lawrence, Biddle, Parker, de Vabres, Falco.

Agreed that the normal hours of sitting should be 10:00 to 12:30 and 2:00 to 4:30, and that a private meeting should be held immediately after the afternoon session in the consultation room.

Agreed that all should wear civilian clothes at the Krupp hearing.

Agreed to accept the arrangements for taking pictures during the sessions on the understanding that there would be no flash bulbs and no noise.

The meeting which had been announced with defendants' lawyers on the morning of November 15 was discussed. Sir Norman Birkett thought it would be unwise to attempt to tell the defense lawyers how they should present their cases and also to permit them an opportunity to give publicity prior to the trial to statements which might prove embarrassing. Judge Parker thought the prime purpose was to advise them of the mechanical arrangements of the Courtroom, of their rights and duties as counsel and of the procedure of cross-examination of witnesses. Mr. Biddle thought the purpose was to assure counsel and the public that there would be no unfairness to the defendants. Lord Justice Lawrence thought it advisable that a statement be prepared

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with care to be made by the Presiding Judge. Mr. Volchkov raised the question whether it was necessary to have the meeting as the technical problems in the use of the interpretation system had already been explained and counsel would be informed of the rights of defendants and the procedure at the opening of the trial in so far as not specified in the Charter and Rules.

The meeting:

Agreed that since this session had already been announced publicly it should be held and that Lord Justice Lawrence should prepare the statement which he would make for consideration at tomorrow's meeting.

The question of publicity was considered and Mr. Biddle stated that the General Secretary and Colonel Storey of the prosecution had agreed that applications should be translated into English, given out by Mr. Gordon Dean at once, and that orders of the Tribunal should also be given out in the same manner immediately. The General Secretary would see that copies of such documents were given to the French and Russian secretaries for translation into their languages and that they would be responsible for arranging press distribution through Mr. Dean's office or otherwise in those languages.

Lord Justice Lawrence suggested that the defense and the prosecution should be prevented from giving publicity to applications before filing and that the officer in charge of the press room should not make comments on applications and orders received from the General Secretary and that it would be preferable to avoid a direct statement that Mr. Dean or any other officer of the prosecution was giving out official releases of the Tribunal. Mr. Biddle stated that the object of the procedure was to assure that accurate copies of documents filed with the Tribunal were available to the press and that Mr. Dean's office had facilities for mimeographihg and contacts with the press which were available and which it would be wasteful to duplicate. It was agreed to consider a statement on publicity later.

Lord Justice Lawrence stated that the British physicians to examine defendant Hess were in Nuremberg and wanted to return to England in 48 hours.

The meeting:

Agreed that the British physicians might examine Hess, consult with the other physicians who were in Nuremberg, write out a report and leave. Captain Fisher stated that Hess' counsel had applied for an examination of Hess by members of the medical faculties of the Universities of Zurich or Lausanne.

The meeting:

Agreed that inasmuch as the Tribunal had appointed an adequate commission this application be rejected.

Agreed that the physicians present should meet in Captain Fisher's room tomorrow at 10:00 in order to examine the mental condition of Hess with special reference to whether he was fit to be tried, that these reports be given confidentially to the Court to be

H2786-0156

given out when reports had been received from all the physicians and that the physicians consult and make a joint report, if possible.

Agreed that Mr. Justice Birkett should provide more specific questions for the physicians to answer.

The meeting adjourned at 11:00 p.m.

W L Mitchell
Brig. Gen. USArmy
Gen. Sec.

H2786-0157

Palace of Justice
Nuremberg, Germany

#26

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 12, 1945 10:30 A. M.

Mr. Volchkov, Chairman

Judges Volchkov, Biddle, Parker and Falco were present.

Mr. Volchkov stated that a full meeting of the Tribunal was planned but that General Nikitchenko, M. de Vabres, Lord Justice Lawrence and Mr. Justice Birkett had been detained by weather conditions.

Lieutenant Kreiswirth from the Public Relations Division of USFET was invited to discuss the arrangement for photographing the trial. He stated that the objective of his organization, which would control all photographing, was to serve the world's population interested in the trial and to provide a visual history of it. He recognized that the photographing of trials was unusual and consequently had had in mind the necessity of preventing any disturbance to the dignity of the proceedings which might result from the use of flash bulbs or from the movement of photographers during the proceedings. Therefore lights had been installed adequate for both movies and photographs without flash bulbs and three booths had been provided from which photographers could take the accused, the Tribunal and the lawyers from appropriate angles. These booths were either sound proof or were equipped with silent photographic apparatus so that there would be no audible clicking or whirring of the apparatus. He stated that agreement had been reached among three of the interested nations to share in all pictures and that efforts were being made to contact the appropriate Soviet authorities. Photographers from all four nations would be permitted to use the booths at appropriate times and photographers from other countries would also be provided for. Ten photographers could operate at the same time. Photographers could get all the information from the Information Control Division. Certain pictures would be developed immediately and radioed or sent by courier to the interested countries. The bulk of the films would be sent to Paris for development, where the pooling exchange would be established for transmission of films by airplane.

It was agreed that the photographic arrangements should be exhibited at the rehearsal tomorrow and that the Tribunal would consider approving the arrangements at a later time.

The meeting:

Agreed, at Mr. Biddle's suggestion, that each Member should contact the prosecutor from his country in order to agree upon one person who could be responsible for distributing the seats for visitors allocated to that country and that that individual should get in touch with Colonel Gill.

H2786-0158

The schedule of future meetings was discussed and Mr. Biddle suggested a seating arrangement for the Judges for the hearing on Krupp's application. He suggested that on this occasion the procedure should begin with the argument by Krupp's lawyer in German. After some discussion, it was agreed that if the interpreting apparatus was not working, these arguments should be interpreted into English and could then be individually interpreted for the French and Russian Judges, as has been customary at the organizational meetings.

Major Neave presented a list of counsel for the defendants which indicated that all defendants in Nuremberg were now supplied with counsel. Five lawyers were being held as a reserve, but two of these--Andres and Velsch--stated that they were ill and wished to return to Berlin. Major Neave recommended that they be permitted to do so but that efforts be made to persuade the remaining three to stay as a reserve. The meeting agreed to this recommendation.

Judge Parker suggested that counsel might be needed to represent the accused organizations and Mr. Biddle suggested that perhaps the reserve lawyers could be appointed to represent the organizations and any defendants whose counsel might later become unavailable. General Mitchell stated that he had been informed by Mr. Kempner of the prosecution that 20 to 30 qualified lawyers lived in Nuremberg and might be available for a reserve. It was suggested that the General Secretary present a list of these lawyers and that the question of appointments be postponed until a later meeting.

Captain Fisher presented certain applications for witnesses by defendants upon which the prosecution had stated an opinion.

Defendant Doenitz had applied, through his counsel, for six witnesses and the prosecution had raised no objection to any of them, though it stated that the question of whether Lieutenant Eck, who was wanted but who was under sentence of death, was a matter for the Tribunal to deal with. In this connection, the General Secretary stated that this execution had been temporarily delayed.

The meeting:

Agreed, at Mr. Biddle's suggestion, that decisions upon applications should be formally entered in the minutes and in regard to these particular applications that (1) the General Secretary should draw an appropriate request for staying the execution of Eck and submit it to the appropriate authorities, and (2) he should arrange for the production of the witnesses requested at the appropriate time.

Agreed, at Mr. Volchkov's suggestion, that the General Secretary should address a letter to the prosecutors requesting them to advise the Tribunal of the names of any witnesses or experts that the prosecution might wish to have the Tribunal summon, at the same time advising the prosecution that such requests should be made well in advance to avoid any delay or postponement of the proceedings.

H2786-0159

It was also suggested that the General Secretary advise defense counsel that applications should be presented at least three weeks in advance of the time the witness would be required.

Captain Fisher presented applications by defendant Keitel for three witnesses (Lehman, Canaris, Burkner), against which the prosecution had made no objections, and the meeting agreed to direct the General Secretary to arrange for their production at the appropriate time.

Defendant Rosenberg had applied for three witnesses (Riecke, Beil, Dankers). The prosecution had raised no objection to Riecke and Beil and the meeting agreed to direct the General Secretary to arrange for their production at the appropriate time.

In regard to Dankers, it was stated in the application that he had knowledge of "extensive deportations of[persons from Latvia]to the interior of the USSR," which facts were relevant "because they prove that even before the employment of German labor there had been recruiting by force." The prosecution objected on the ground that the facts were not material, were too general and were political.

The meeting:

Agreed to postpone consideration of this application until all Members of the Tribunal were present.

Captain Fisher presented applications by defendant Frick for one witness (Lammers) and from defendant Schacht for four witnesses (Sperl, Gronav, Gisevius, Frau Strunck) against whom the prosecution made no objections.

The meeting:

Agreed to direct the General Secretary to arrange for production of these witnesses at the appropriate time.

Captain Fisher then distributed to the Members of the Tribunal for their information certain other applications for witnesses which had not yet been examined by the prosecution.

Mr. Volchkov raised the question of appropriate procedure in case the absent Members of the Tribunal failed to arrive. He stated that General Nikitchenko was on his way to Nuremberg with a number of interpreters. M. Falco stated that M. de Vabres was coming by motor-car. Mr. McIlwraith stated that Lord Justice Lawrence and Mr. Justice Birkett had arrived at Brussels and were coming by car.

The meeting:

Agreed to go ahead with the schedule for rehearsal tomorrow and to consider later whether it would be necessary to postpone the hearing of the Krupp application on Wednesday in case the quorum of the Tribunal required by Article 4(a) of the Charter should not be present.

The meeting adjourned at 12:45 to meet at 10:00 tomorrow and again at 2:00 for the rehearsal in the Court Room.

W. L. Mitchell
Brig. Gen. U.S. Army
Gen. Sec.

H2786-0160

Palace of Justice
Nuremberg, Germany

#25

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 9, 1945 2:15 P. M.

Honorable Francis Biddle, Chairman

Judges Biddle, Parker, Falco and Volchkov were present.

Mr. Biddle stated that the British had appointed Lord Moran, F.R.C.P., as the doctor to examine Hess and that Doctors P. Reece and George Ruddock would assist him. The American Members had appointed Dr. Nolan D. C. Lewis, assisted by Dr. D. Ewen Cameron and Colonel Paul Schroeder, M.D. Mr. Volchkov stated that the Soviet had appointed Dr. Eugene Krasnushkin. M. Falco stated that the French physician would be appointed soon.

Captain Fisher reported on certain applications by defendants. Defendant Doenitz had applied, through his counsel, for six witnesses, one of whom had been condemned to be shot in a British military tribunal.

The meeting:

Agreed that the General Secretary should send a copy of those applications to the prosecutors as soon as possible, indicating that the Tribunal would decide the matter on Monday. In the meantime, Mr. McIlwraith, the British Secretary, was asked to endeavor to have this execution postponed until the Tribunal had decided upon the application.

The General Secretary stated that he had discussed the procedure for dealing with applications with Colonel Storey of the American prosecution and that they had agreed that all applications should be given to Lieutenant Barrett and to one of Colonel Storey's assistants, who had experience in finding witnesses and would make his experience available to the General Secretary.

The committee dealt with applications from defendants Keitel and Rosenberg in the same manner as it had dealt with those from Doenitz.

Defendant Streicher had made certain applications not countersigned by his counsel and, in accord with the rule adopted at the meeting on the afternoon of November 6, this had been returned to his counsel. Certain other applications by Streicher, through his counsel, were dealt with in the same manner as those from Doenitz.

The Soviet and French Members presented texts of the Rules of the Tribunal in their respective languages and the Chairman stated that these would be formally approved on Monday, together with a German translation, for which he would be responsible.

H2786-0161

Mr. Volchkov stated that he had had the minutes up to date translated into Russian but he wished General Nikitchenko to see these before final approval. M. Falco stated that he would attempt to have the French translation made and prepared as soon as possible.

The report on counsel for the defendants was postponed until Monday. M. Falco stated that he understood all except one of the defendants now had counsel.

Mr. Biddle read a letter from Mr. Gordon Dean, the public relations officer of the American prosecution, enclosing a cable from United States military authorities asking whether the Tribunal would approve accredited press representatives from certain countries.

The meeting:

Agreed that in accordance with the decision taken in the morning meeting of October 29 it would not deal with this problem, which was entirely in the hands of the United States military authorities.

The Chairman stated that he thought press relations should be handled through the appropriate officers of the prosecution and that the General Secretary should supply those officers with information released by the Tribunal. He hoped to have a draft statement upon procedures in regard to the press and also in regard to the handling of the applications to be considered at the meeting on Monday.

The question of form of oath to be taken by witnesses in the various languages ~~by the Tribunal~~ was raised and it was hoped that these forms would be ready by Monday.

The Chairman called attention to the organizational meeting of the Tribunal on Monday, the 12th, at 10:00 o'clock, the rehearsal in the Court Room on Tuesday, the 13th, at 2:00 o'clock, the hearing of the application by Krupp for severance of his trial on Wednesday, the 14th, at 10:00 o'clock, and the meeting of Members of the Tribunal with the defendants' lawyers on Thursday, the 15th, at 10:00 o'clock. The application of defendant Streicher for postponement of the trial for several weeks was discussed and put down for hearing on Thursday, the 15th, at 2:00 p.m.

The question of releasing the medical report upon Krupp was discussed and Judges Biddle, Parker and Falco favored such release. Judge Volchkov, on the other hand, thought it ought not be released until the Tribunal had acted and Mr. McIlwraith, speaking on behalf of the British Judges, who were not present, said he understood it was a confidential report and consequently should not be published now.

The meeting:

Agreed not to release the report at present but to permit the prosecution's publicity officers to give it out at 9:00 a.m. on Wednesday, the 14th, to be released on the opening of the Tribunal at 10:00 a.m.

H2786-0162

The meeting:

Agreed that the application by defendant Streicher for postponement of his trial be released at the present time through the prosecution publicity officers. Judge Parker stated in his opinion all applications to or decisions by the Tribunal should be made public at once.

Mr. Biddle recalled the desire of Mr. Dean, the American prosecution's publicity man, for information about the Members and also for information about the physicians on the committee to examine defendant Hess.

The agenda for the meeting Monday was considered and also certain questions concerning the arrangements for the trial. Judge Volchkov stated that he thought there should be further discussion with the prosecution concerning the order of presentation, both by the prosecution and by the defendants.

General Secretary Mitchell stated that Mr. Dean thought that the Army officer in charge of filming the trial should meet with the Tribunal and it was agreed that he should come Monday at 10:00.

The meeting adjourned at 3:30.

W L Mitchell
Brig. Gen. USArmy
Gen. Secy.

H2786-0163

Palace of Justice
Nuremberg, Germany

#24

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 8, 1945 10:00 A. M.

M. Falco, Chairman

Mr. Falco, Mr. Biddle, Judge Parker and Judge Volchkov were present.

The agenda was distributed as follows: (1) Report of committee of physicians on Krupp von Bohlen; (2) report by Major Neave on counsel for defendants; (3) report on applications by defendants or their counsel; (4) discussion of procedure for procuring documents and witnesses; (5) other questions which any Member may wish to have discussed.

Before considering the agenda, the meeting agreed that arrangementsmust be made for the Soviet physicians, who had been on the commission to examine Krupp and who were still in Nuremberg, to examine defendant Hess and report back to the Tribunal, such examination and report not to prejudice later examination by other physicians appointed by the Tribunal.

Mr. Biddle stated that he considered it important that Hess be examined as soon as possible in view of the publicity which had been given his case. He stated that Mr. Justice Jackson, the American Chief Prosecutor, had asked the United States Psychiatric Society to nominate a commission of psychiatrists for this purpose and that three physicians so nominated were now in Europe, one of them, Colonel Paul Schroeder, was in Nuremberg. Mr. Biddle stated that he wished these three physicians, or some of them if the Tribunal thought the number was too large, to serve on the commission to examine Hess.

The meeting:

Agreed, at the suggestion of Judge Volchkov, that such a commission be appointed but that there be only one principal physician from each country with others acting as assistants. Judge Volchkov stated that one of the Soviet physicians already here would serve for his government and Mr. McIllwraith, the British secretary, stated that he would arrange for a British physician. It was agreed that the General Secretary should arrange for examination of Hess by these physicians as soon as possible.

Mr. Biddle read a proposed order regarding Hess and the meeting accepted it in principle, final acceptance to be deferred until translations had been made.

H2786-0164

1. At the suggestion of Captain Fisher, the report on Krupp was postponed for consideration with application by his counsel.

The meeting:

Agreed, at the suggestion of Mr. Biddle, that the original report by the committee of physicians be spread upon the minutes of the meeting.

2. Major Neave reported that the five counsel appointed by the Tribunal had not yet arrived but were expected today. Two additional lawyers from the American zone and four from the British zone had been invited to come to Nuremberg and to bring with them full information. It was not suggested that the Tribunal appoint them until this information was at hand. It was expected, therefore, that 11 lawyers would be in reserve from which counsel for the six defendants still without counsel could be appointed.

The meeting:

Agreed, at Mr. Biddle's suggestion, that the General Secretary be asked to make every effort to get these lawyers to Nuremberg and to assign from them counsel for the defendants still without counsel without further reference to the Tribunal.

At this point Colonel Storey of the American prosecution staff came in and stated that the prosecution had no objections to the Tribunal appointing a commission of physicians to examine defendant Hess but they would like to know the names of these physicians in advance in order that they might have an opportunity to raise objections if they had any.

The meeting:

Agreed, at Mr. Biddle's suggestion, that each Member of the Tribunal discuss the names of the physicians he planned to appoint on this commission informally with the prosecutors from his country.

Mr. Biddle stated that he proposed to appoint one of the three psychiatrists already invited by the Chief American Prosecutor with the other two as assistants. He urged that great care be taken in avoiding premature publicity. Judge Volchkov urged that there be no delay in appointing this commission. Colonel Storey stated that this procedure was satisfactory.

3. Captain Fisher presented applications from five defendants.

Defendant Raeder applied for a witness as to his religious beliefs.

The meeting:

Agreed to direct the General Secretary to obtain information on the location of this witness, to summon him and to notify him that he would be called at an appropriate time and would be given transportation to Nuremberg.

H2786-0165

Defendant Doenitz wished six witnesses summoned in his behalf.

The meeting:

Agreed, at the suggestion of Judge Volchkov, that applications be circulated in advance in order that the Members of the Tribunal have an opportunity to study them, and consideration of defendant Doenitz' application was postponed.

Defendant Streicher, through his attorney Dr. Marx, applied for postponement of trial three or four weeks. Captain Fisher stated that Dr. Marx had been the first counsel to arrive in Nuremberg.

The meeting:

Agreed that applications should state the date of the arrival in Nuremberg of the lawyer who made the application.

Agreed, at Mr. Biddle's suggestion, that this application was so serious that its consideration be deferred until the meeting of the full Tribunal on Monday, November 12th.

Defendant Keitel, who did not yet have counsel, had applied for certain documents. The General Secretary explained the method of handling document requests. Informal application was first made to the Defendants' Information Center and Lieutenant Barrett, in charge of this Center, would arrange at once for examination in the Center of documents in the Center or other documents in the possession of the prosecution which the prosecution were willing to have examined. Only if the documents could not be obtained by this informal method would a formal application be necessary. If the Tribunal acted favorably upon such a formal application, the General Secretary would attempt to obtain the document and if successful would deposit it in the Defendants' Information Center where it could be examined. If the prosecution objected to examination of any document, the General Secretary would report the matter to the Tribunal.

The meeting:

Agreed, at Judge Parker's suggestion, that defendant Keitel's application be granted and that he be informed that the documents referred to in the indictment could be examined in the Defendants' Information Center.

Defendant Krupp, through his counsel, applied for postponement of proceedings against him until he was fit for trial, accompanying the application with reports from two German physicians.

The meeting:

Agreed, at the suggestion of Mr. Biddle, upon order for a public hearing on this application on November 14th at 10:00 o'clock. The General Secretary was instructed to transmit this order to the Chief Prosecutors as well as to the defendant's counsel.

The meeting:

Agreed, also, that the General Secretary transmit a release of this order without reference to the confidential medical reports to Mr. Dean, the public relations officer attached to the American prosecutors, for transmission to the press.

H2786-0166

4. At the suggestion of the General Secretary, Brigadier General Mitchell, consideration of the procedure for procuring documents and witnesses was postponed.

5. Mr. Biddle reported that through the action of General Eisenhower an account of 50,000 marks had been opened in a bank in Nuremberg subject to check by the General Secretary for compensation to defendants' counsel. At a later stage of the proceedings, Major Neave stated that there had as yet been no pressure for payment by defendants' counsel.

The meeting:

Agreed to postpone consideration of the time and amounts in disbursing this money to defendants' counsel.

Mr. Biddle stated that Mr. Dean, the American prosecution's public relations officer, wished to obtain full information about the Members of the Tribunal and the Alternates and had distributed a blank to be filled out for this purpose. Mr. Biddle emphasized the great public interest in the personalities connected with the Trial and hoped the Members and Alternates would fill out this blank fully as soon as possible.

Mr. Biddle recalled that it had been agreed that the Members would report next week on the steps taken in their various zones to give publicity to the notices respecting defendant Bormann and accused organizations. He hoped that full information might be given, including the dates and quantity of publicity by press, radio and notices to the public and to prisoners of war.

Mr. Biddle stated that unapproved minutes were accumulating and that he hoped all of the Members might be able to approve the minutes up to date in their respective languages at the next meeting.

Mr. Biddle stated that the Rules of the Tribunal had been approved only in the English text and he hoped that texts in the other two languages could be submitted at the next meeting for formal approval.

The meeting:

Agreed, at Mr. Biddle's suggestion, that the General Secretary be instructed to submit the oath for witnesses in German and other languages at the next meeting.

Agreed that the General Secretary should arrange with Colonel Gill for the public hearing in the Court Room on November 14th with the necessary interpreters present.

Agreed that the Tribunal should meet with the defendants' counsel on November 15th at 10:00 o'clock in order to discuss the order in which the defendants proposed to present their case and that the General Secretary should send a letter to remind the Members and the counsel of this meeting.

The meeting adjourned at 11:30 to meet tomorrow at 2:00 p.m.

W.L. Mitchell
Brig. Gen. US Army
Gen. Secy.

Copies given to British, French, & Russian & US Secretaries 9 Nov 45. Mr. Biddle has a copy.
WLM

H2786-0167

Palace of Justice
Nuremberg, Germany

#23

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 6, 1945 2:30 P. M.

Mr. Volchkov, Chairman

Mr. Biddle, Judge Parker, M. Falco and Mr. Volchkov were present.

Major Neave was present and stated that 16 defendants now have counsel, 14 of which had been chosen by the defendants and two appointed by the Tribunal. Six defendants--Kaltenbrunner, Frick, Rosenberg, Seyss-Inquart, Schacht and Fritzsche--were still without counsel though several of them expected that the counsel they had chosen would presently arrive. Major Neave was in touch with eight counsel, four from the American zone and four from the British zone. He hoped that enough of these would arrive by the end of the week to provide counsel for all of the defendants. He raised the question of whether any moral compulsion should be put upon counsel to serve if appointed by the Tribunal.

The meeting:

Agreed, at Mr. Biddle's suggestion, that Major Neave should inform each counsel designated by the Tribunal (1) that the Tribunal had selected him to serve at least until the defendant got the counsel of his choice, (2) that such service would not in any way reflect upon him disadvantageously, (3) that compensation would be provided but it should be understood that if the period of service proved very short this might not include the entire initial amount of 4,000 marks, and (4) that the Tribunal regarded it as a duty to perform this service.

Major Neave then listed six lawyers whom he felt sufficiently recommended and whom the military were arranging to bring to Nuremberg. These names had been provided by military authorities but were not on the list of lawyers. Major Neave had attempted to make a contact with the lawyers mentioned by General Nikitchenko through Major Hortin in Berlin but had been unsuccessful.

It was pointed out that it had been agreed that the Tribunal should not appoint a lawyer known to be a Nazi and the meeting agreed that because of this one of the six lawyers mentioned by Major Neave should be eliminated.

The meeting:

Agreed, at Mr. Biddle's suggestion, that Major Neave should appoint persons from among the five remaining lawyers for defendants who remained without counsel and report to the Tribunal.

H2786-0168

Mr. Volchkov stated that the lawyers recommended by General Nikitchenko were not Nazis and that he would attempt to report to the next meeting whether they were willing to serve.

Major Neave reported that the defendant Krupp wanted to employ a British barrister as his principal counsel, the counsel which he had already accepted becoming an associated.

The meeting:

Agreed that inasmuch as this desire was forwarded by Krupp's present counsel such a substitution was permissible under the conditions for the employment of associates agreed upon at the morning meeting of October 31. It was suggested that Krupp's present counsel be so informed and that at the same time he be informed that the Tribunal would have a public meeting to consider the motion to sever the trial of Krupp on Wednesday, November 14th. Krupp's counsel should report in writing to the Tribunal the action taken in this matter.

Major Neave stated in answer to a question that certain complaints by defendants' counsel in regard to their living conditions outside the court building had been dealt with by Colonel McLendon and that no complaints had been received in regard to arrangements within the court building.

The meeting:

Agreed, at Mr. Biddle's suggestion, that Major Neave should inform defendants' counsel that they may consult with one another.

Captain Fisher submitted a statement of applications made by defendants.

The meeting:

Agreed that the Tribunal should make formal statements in regard to these applications even though brief in order to avoid misunderstanding which might result from informal oral answers. It was agreed that the General Secretary should draft brief memoranda giving the Tribunal's decision to transmit to the defendants and that it was not necessary to refer these memoranda back to the Tribunal.

Agreed, at Mr. Biddle's suggestion, that the General Secretary should decide what applications he could deal with on the basis of general policies expressed by the Tribunal and that he need not place such applications before the Tribunal for formal action.

Agreed, at Judge Parker's suggestion, that all applications by defendants who have counsel should be made through their counsel and that if any defendant should make a direct application the General Secretary should refer it to the defendant's counsel before taking action.

Agreed, upon application from defendant Rosenberg (1) that the notes he had prepared himself and turned over to his attorney should be returned to him under suitable security arrangements, and (2) that photostats of documents which he had requested should be delivered to him in his cell subject to security arrangements.

H2786-0169

Agreed, upon application from defendant Ribbentrop, that his request that certain of his former assistants be placed at his disposal to assist him in securing documentary evidence in support of his defense be denied. The Tribunal did not consider this a request for an associate counsel but for a different form of assistance.

Agreed, upon the application of defendant von Papen, that his son, who was now in a civilian internment camp, should be temporarily released to act as associate counsel on the understanding that this was not to be considered as establishing a general principle and with due consideration to security.

Agreed, upon application of defendant Schacht, that he be given access to the personal papers which had been taken from him on his arrest and that the information required under paragraph 4(a) of the Rules should not be considered applicable to such papers.

Agreed, upon the application of defendant Raeder, transmitted by his counsel, Dr. Siemers, that the General Secretary take up the matter with the Soviet occupation authorities in order to make the desired documents available if there was no military objection.

Agreed, upon the application of defendant Ribbentrop, presented by his counsel, Dr. Sauter, that his request for secretarial assistance and for an interpretation of the indictment be denied.

Captain Fisher stated that answers to other applications had been arranged with the prosecutors.

The meeting adjourned at 4:30 to meet on Thursday, November 8th, at 10:00 a.m.

W. L. Mitchell
Brig. Gen. U.S. Army
Gen. Secy.

Copy to U.S.; British, French & Russian Secretaries 9 Nov. 45. Mr. Biddle has a copy.
WLM

H2786-0170

Palace of Justice
Nuremberg, Germany

#22

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 6, 1945 11:00 A. M.

Honorable Francis Biddle, Chairman

Mr. Biddle, Judge Parker, M. Falco and Mr. Volchkov were present. The meeting was an informal one because of the absence of the British Member and his Alternate but acted in pursuance of the authority given the Members to act in his behalf by Lord Justice Lawrence at the meeting on the afternoon of October 31.

Consideration was given to the mental condition of defendant Hess and Mr. Volchkov stated that he understood the Soviet prosecutor had asked the Soviet physicians, who had been sent down to examine Krupp, to examine Hess. Mr. Biddle suggested that it would be better for reasons of impartiality to have such an examination made in behalf of the Tribunal rather than the prosecutors. It was decided to adjourn the question until later.

The procedure for dealing with defendants' applications was considered. The objections by the prosecutors to undertaking responsibility for finding documents and witnesses in response to such applications was considered and Mr. Biddle suggested that the Tribunal undertake to deal with the problem according to the following procedure.

Applications would be received by the General Secretary, translated into English and sent to Members of the Tribunal and the prosecutors. If the prosecutors have the desired document, they will transmit it to the General Secretary, and, if they do not have it, they will give the General Secretary any information which they may have as to finding it. The General Secretary will then lay the matter before the Tribunal if important and will take up with the Army the problem of obtaining the required document or witness.

Mr. Biddle reported on his interview with General Eisenhower on the day before, stating that arrangements had been made for establishing a checking account for paying defendants' counsel and that Brigadier General William D. Mitchell had been appointed as General Secretary and would arrive soon.

The meeting:

Agreed, at Mr. Biddle's suggestion, that checks on the fund for defense counsel should be signed by the General Secretary under order of the Tribunal and that the resignation of Mr. Harold B. Willey as General Secretary be accepted and that Brigadier General William D. Mitchell be appointed General Secretary.

H2786-0171

Mr. Biddle stated that Mr. Willey had been appointed American secretary.

The problem of newspaper publicity was discussed and Mr. Biddle noted a number of instances of premature publicity, suggesting that it might be advisable for the Tribunal to issue an order to Colonel Andrus suggesting care in preventing premature releases on matters concerning the defendants. At the suggestion of Judge Parker, the matter was deferred for later consideration, the opinion being expressed that perhaps an informal handling of the matter would be preferable.

The meeting:

Agreed, at Mr. Volchkov's suggestion, that it would be desirable for the occupying authority in each zone to designate an officer with whom the General Secretary could take up problems of finding documents or witnesses in that zone. M. Falco stated that General Lenoan would be the appropriate person for the French zone and Mr. Volchkov stated that General Semenov would be the appropriate person for the Soviet zone. Mr. MacIlwraith, the British secretary, stated that he would later inform the Tribunal as to the appropriate person for the British zone.

Mr. Biddle stated that Colonel Gill had arranged for an interpreting rehearsal on November 13th at 2:00 p.m. He also suggested that a public meeting of the Tribunal might take place on November 14th at 10:00 a.m. to hear the application to sever the trial of Krupp von Bohlen on account of his health, and the meeting agreed.

The meeting:

Agreed to hear Major Neave's report on applications at the afternoon session.

Mr. Biddle suggested that each Member of the Tribunal should report at the meeting on Monday, November 12th, as to the action taken in their respective zones in regard to the publication of notices to Martin Bormann and to accused organizations.

Representatives of the Chief Prosecutors entered and Mr. Biddle stated the procedure for dealing with applications from defendants, calling attention to the letter he had received from Mr. Justice Jackson stating that the Chief Prosecutors were of the opinion that they should not undertake the responsibility of securing documents and witnesses for the defendants. Mr. Biddle stated that the Tribunal had appointed Brigadier General William L. Mitchell as General Secretary and that he would be responsible for receiving requests from the defendants, having them translated into English, sending copies to the prosecutors and getting in touch with Army authorities in the various zones to carry out summonses.

Mr. Justice Jackson, the American prosecutor, expressed the opinion that the procedure proposed might cause unnecessary delay. He suggested that all documents be first asked for in the Defendants' Information Center without bothering the Tribunal. The prosecution had deposited the important documents in this Center and photostat copies could be provided for defendants' counsel. If a document in the possession of the prosecution was not in the Center, the officer in charge of the Center would locate it. It was only in the case of documents not in the possession of the prosecution at all that it should be necessary for the Tribunal to deal with the matter and he felt that in this situation it should be a matter for the Tribunal

H2786-0172

and not for the prosecution. He pointed out that the prosecution as a committee had completed the work specified for it in the Charter and that its field staff for finding documents had been dissolved. Each of the prosecutors now represented only his own country. It would be easier for the Tribunal, which represented all the countries, to make the necessary contacts with the military authorities which alone were in a position to find documents and persons. However, the prosecution would be glad to give any informal information which might assist in this work. He stated in regard to the request by defendant Schacht, that certain documents which had been taken from him on his arrest be returned, that the prosecution had these documents and would make them available to Schacht though they would not return the documents themselves.

Mr. Biddle stated that he thought the Tribunal was in agreement with this statement. He assumed that the prosecution did not wish to see applications for documents which could be obtained through the Defendants' Information Center. Mr. Justice Jackson stated that consideration of such applications was unnecessary. It was simply a question of asking for the documents at the Center.

Sir David Fyfe stated his agreement with Mr. Justice Jackson and his opinion that it would be best for the Tribunal to make contact with the military authorities. He recalled the statement he had made at an earlier meeting concerning documents of possible military or political importance in the possession of the prosecution. If such documents were requested, the Tribunal should consider the matter, perhaps hearing the opinion of the prosecutors. This, of course, applied only to documents which were not in the Defendants' Information Center. There would be a person in the Center who would be able to produce all documents deposited there and all other documents in the possession of the prosecution in case none of the prosecutors had any objection on grounds of political or military importance. Lieutenant Barrett headed the committee which controlled the Defendants' Information Center and it was only in case he was unable to find the document that a formal application under Rule 4(a) would be necessary.

M. Dubost, representative of the Chief French Prosecutor, expressed his agreement with Sir David Fyfe.

The representative of the Chief Soviet Prosecutor also expressed his agreement, pointing out that the discovery of new documents should be through military channels and that the door should not be opened too widely for requests by defendants which would involve protracted search and possible delays.

Mr. Justice Jackson commented on the suggestions by British, French and Soviet prosecutors that they might have officials in the Defendants' Information Center to provide documents respectively in their possession by pointing out the difficulties in housing additional officials. He felt that General Mitchell would be able to make contacts through appropriate channels with the occupying authorities in the various zones who would do the actual work of finding documents and persons. Mr. Biddle suggested that it be left to General Mitchell to decide whether additional British, French and Soviet officers would be necessary in Nuremberg.

H2786-0173

Mr. Biddle stated that a committee of physicians had been sent to examine defendant Krupp and that it had been decided to have a public hearing on November 14 upon the motion of his counsel to sever his trial. The prosecution saw no objection to this decision.

Mr. Biddle stated that there might be a similar motion in regard to defendant Hess. Sir David Fyfe stated that it might be desirable to appoint a British psychiatrist in this case and Mr. Justice Jackson stated that the problem of Hess was very different from that of Krupp. His illness, if it existed at all, was not physical but mental. He thought it might be better to let the question rest unless it were brought up in the trial itself by Hess' counsel. He did not think that a person should be able to escape trial because his memory was imperfect. Mr. Biddle stated that no precipitate action would be taken in this case.

Sir David Fyfe raised a question under paragraph 24(c) of the Charter, stating that it had been the intention of the prosecution to have a statement by each of the Chief Prosecutors and asking whether it was appropriate to interpret the singular word "statement" as permitting several statements. The meeting agreed that this was a proper interpretation. Mr. Justice Jackson stated that he thought the Tribunal might be interested in the plan for the prosecution's statement which had been prepared by Sir David Fyfe and the Members of the Tribunal stated they would be glad to see it.

Sir David Fyfe stated that in his opinion the procedure under Article 24 implied that the defendants should all state their cases at the same stage of the proceedings and this was agreed upon.

Mr. Biddle suggested that defendant lawyers should be present at the rehearsal arranged for Tuesday, the 13th, and this was agreed upon.

Sir David Fyfe stated that it was the intention of the prosecution to provide typewritten texts of the opening speeches in advance for the benefit of the interpreters. Colonel Gill stated that this would be very helpful.

The meeting adjourned at 1:15 to meet at 2:30.

W L Mitchell
Brig. Gen. USArmy
Gen. Secy.

Copy to U S; British; French & Russian Secretaries 9 Nov. 45. Mr. Biddle has a copy. WLM

H2786-0174

Palace of Justice
Nuremberg, Germany

#21

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

November 1, 1945 10:00 A.M.

Lord Justice Lawrence, Chairman

All the Members of the Tribunal and their Alternates were present, with the exception of M. de Vabres.

Major Neave reported on the situation with respect to defendants' counsel indicating that all but two of the defendants in custody had obtained counsel.

The meeting:

Agreed to appoint counsel for defendants Hess and Speer.

Mr. Biddle proposed two counsel, Dr. Hans Flächsner and Dr. Walter Voelsch, who were available, and General Nikitchenko also presented the names of three counsel, Dr. Gustav Brumbi, Dr. Karl Falk, and Dr. Walter Schreiber.

The meeting:

Agreed to appoint the two persons named by Mr. Biddle and to hold the names mentioned by General Nikitchenko in reserve.

The question of the committee of physicians to visit Krupp was considered. General Nikitchenko gave the names of two Soviet physicians, Prof. Eugeni Sepp and Prof. Nicolas Kurshakov, who were available. The British, American and French Members were not yet able to give the names of physicians. It was agreed that this committee should be appointed as soon as possible.

The question of compensation for defendants' counsel was considered in case a single counsel served for more than one defendant. Lord Justice Lawrence proposed that 4,000 marks should be considered the maximum for the initial payment to counsel for each defendant. If a counsel employed by one defendant wished an associate, he should be paid from this sum. If, however, one counsel acted for two defendants, then a maximum of 8,000 marks would be available as the initial payment for that counsel and any associates he might desire. Similarly, if one counsel served three persons, 12,000 marks would be available as a maximum initial payment for him and his associates.

H2786-0175

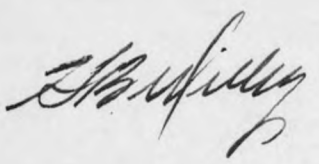
The meeting:

Agreed, at Mr. Biddle's suggestion, that if it should become necessary to make a decision on the matter while Lord Justice Lawrence was away, the Members would be free to act on this principle.

Agreed to instruct Major Neave to advise defendants that any counsel serving more than one defendant should receive an additional initial compensation, but he should not mention the amount at this time.

The Members and their Alternates then discussed certain matters in private after the staffs of the various delegations had left the room.

The meeting adjourned at 12:00 o'clock.



H2786-0176

Palace of Justice
Nuremberg, Germany

#20

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

October 31, 1945 2:00 P.M.

M. de Vabres, Chairman

All the Members of the Tribunal and their Alternates were present.

Lieutenant Barrett of the Prosecutor's Committee and the Chief Prosecutors were also present.

Lieutenant Barrett reported on the application by defendant Rosenberg for certain documents, including his book entitled "The Myth of the 20th Century" and stated that with the exception of transcripts of interrogations these documents would be placed in the Defendants' Information Center.

He reported in regard to the application of defendant Frick for a copy of the Hague Conventions that these documents would be placed in the Defendants' Information Center.

The meeting:

Agreed that if Lieutenant Barrett's committee granted the applications the Tribunal would approve. Lieutenant Barrett explained that all materials available to the defendants would be listed in a document which would be presented to defense counsel tomorrow and that photostats of the documents listed would be available to defense counsel in the Defendants' Information Center on Monday.

Lieutenant Barrett reported in regard to the application of defendant von Papen for certain documents that all would be available in the Information Center with the exception of certain ones not now in the possession of the prosecution upon which further information was desired.

He reported in regard to the application of defendant Seyss-Inquart that he would be permitted to dictate and have translated into English a report of his activities in the Netherlands.

At this point Mr. Justice Jackson, the Chief American Prosecutor, stated that he thought the general plan of the prosecution for giving every opportunity to the defendants to obtain evidence in possession of the prosecution should be made clear. A Defendants' Information Center was being established in which would be lodged material believed important for the defense. This material consisted of (1) books and other published materials; (2) documents in the possession of the prosecution which had been asked for by defendants or which were believed by the prosecution to be of importance to them and which involved no

The prosecution could not blindly agree to seek for all documents which might be requested.

questions of policy; (3) documents which would be used by the prosecution (these were very numerous, the American Prosecutor had some 700 listed). It would be impossible to furnish copies of these documents to each defendant's counsel but six copies of each would be lodged in the Center and made accessible to such counsel; (4) documents not in the possession of the prosecution. (He pointed out that defendants might delay proceedings by asking for large numbers of documents which might be requested. The 700 persons employed by the prosecution had scoured Germany for documents and it would be a waste of time to hunt for others without definite information.) It was necessary to require the defendant to give full information about such documents desired and discretion would have to be reserved as to the usefulness of searching for them; and (5) interrogations of defendants. (He drew attention to the wide scope and bulk of this material. It would be impractical to transcribe all of it. Much was useless to the prosecution and would be equally useless to the defense.) It would be necessary to reserve discretion in regard to making this material available to the defendants.

The meeting:

Agreed, at the suggestion of Lord Justice Lawrence, that the defendants should not be entitled to copies of transcripts of interrogations unless and until a reasonable time before such interrogations were put in evidence by the prosecution and then only of such parts of the transcripts of interrogations as were put in evidence.

Sir David Fyfe of the British prosecution then explained the questions of policy raised by the applications of defendants:

1. The prosecution had no objection to defendants' conferring with one another on the subject of choice of counsel, although security would have to be provided for under the auspices of the Army in such conferences. The prosecution would be glad to have several defendants defended by one counsel and defendants could consult with one another concerning such defense. Sir David Fyfe pointed out that this went further than the Tribunal's resolution on the subject. The Tribunal agreed to the principle concerning conferences among defendants stated by Sir David Fyfe.

2. The question of access to transcripts of interrogations had already been decided in the resolution suggested by Lord Justice Lawrence.

3. Request for witnesses was dealt with in Rule 4(a). The prosecution could not deal with such applications unless this rule was complied with; that is, unless the information called for was provided by the defendant. The Chief Prosecutors would advise the Tribunal if they considered the application reasonable; otherwise they would inform the defense counsel and the Tribunal and would leave the matter in the hands of the Tribunal. At Mr. Biddle's suggestion, the meeting agreed that requests for witnesses made to the Tribunal in accord with Article 4(a) of the Rules should go to the Committee of Prosecutors to advise the Tribunal and the Committee would automatically report to the Tribunal, which would decide the question after hearing the prosecution in case it had rejected the application.

H2786-0177

H2786-0178

4. In regard to applications of defendants for documents not in the possession of the prosecution, the same principles should apply as in the case of applications for witnesses. The meeting agreed to this proposition.

5. In regard to documents belonging to defendants, the prosecution wanted further time for consideration and Sir David Fyfe said they would attempt to report by noon tomorrow. During the discussion the opinion was expressed on the one hand that defendants should not be entitled to the return of such documents if they concerned matters of military or diplomatic importance, and the opinion was expressed on the other hand that such documents should be returned to the defendant if they were relevant to the defense. Sir David Fyfe stated that one of the Chief Prosecutors had said that he thought all of the Chief Prosecutors should have an opportunity to examine such documents before a decision was reached as to their return.

The Chief Prosecutors then withdrew.

Lieutenant Barrett continued his report on the applications of defendants.

The application of defendant Speer for certain documents should be returned with the request that the information required by the Rules be supplied.

The application of defendant Jodl was granted in respect to documents in the hands of the prosecution which would be placed in Defendants' Information Center. In respect to other documents, the information required by Rule 4(a) must be provided.

The meeting:

Agreed to these dispositions of these applications. Lieutenant Barrett then stated that many of the other applications could now be dealt with on the basis of the principles stated by the Chief Prosecutors and accepted by the Tribunal. As a result, the meeting:

Agreed that the remaining applications which concerned documents not in the possession of the prosecutors should be returned to the defendants with the request that they should give the information required by Rule 4(a).

Major Neave stated that it was necessary for him to have the opinion of the Tribunal whether defendant Rosenberg could select as counsel defendant Frank. The meeting:

Agreed that this request should be denied and Major Neave was so instructed. It was understood that if Rosenberg or his counsel should at a later time ask to have Frank speak in his behalf at the time when Frank was making the statement which he was entitled to make under the Charter in his own defense, the Tribunal would then decide that question.

H2786-0179

The meeting:

Agreed that defendant von Papen could consult with defendant Schacht on the subject of counsel on the condition that the discussion be confined to that one subject and that Major Neave be present. General Nikitchenko expressed his dissent from this decision.

Mr. Biddle read forms which he had had prepared for applications by defendants for documents and for witnesses, and the meeting:

Agreed to accept these forms.

The meeting discussed the question of action by the Tribunal during the absence of certain of the Members next week and it was found that either a Member or an Alternate would be present from all the delegations except the British and the British authorized the Members or the Alternates of the other countries who would be present to represent them on matters which might come up and needed immediate decision during this period.

M. de Vabres raised the question of dress of Members of the Tribunal and it was suggested that if the other Members wore robes appropriate to their countries, it would be appropriate for the Soviet delegation, if they did not wish to wear robes, to wear military uniforms. General Nikitchenko stated that he would consider the question.

The meeting:

Agreed to meet after adjournment of the present series of meetings on Monday, November 12, at 10:00 a.m.

Agreed, at the suggestion of Mr. Biddle, that no flashlight pictures should be taken during the trial but that the moving pictures could be made as a record of the proceedings with the understanding that they would not make any noise to disturb the dignity of the proceedings. Lord Justice Lawrence pointed out that the box provided in the gallery of the Courtroom for moving pictures operators would block much of the audience from a view of the Judges. General Nikitchenko suggested that if cinema pictures were taken of the proceedings copies be given to representatives of each of the nations.

Mr. Biddle raised the question of counsel for defendant Krupp and it was decided to defer this question until tomorrow.

Mr. Biddle stated that the agenda for tomorrow's meeting would include: (1) appointment of counsel for defendants by the Tribunal, (2) appointment of physicians to visit Krupp, (3) further information on compensation to counsel.

The meeting adjourned at 5:30 o'clock to meet the following morning at 10:00.

H2786-0180

Palace of Justice
Nuremberg, Germany

#19

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

October 31, 1945 10:00 A.M.

General Nikitchenko, Chairman

All the Members of the Tribunal and their Alternates were present.

The Chairman stated the agenda as follows: (1) report by Major Neave on counsel for defendants, (2) applications by defendants, (3) committee of physicians to visit defendant Krupp.

In response to a question by Major Neave, the meeting:

Agreed that defendants may continue to make applications for counsel of their choice, even after one has been appointed by the Tribunal but, as provided in paragraph 2(b) of the Rules, the substitution of the counsel of choice if obtained can cause no delay in the trial.

Mr. Biddle stated that it was his understanding that the 10-day period provided in the Rules had expired and consequently the Tribunal should appoint counsel now for those defendants who had not yet obtained counsel.

Major Neave reported on the situation regarding counsel of defendants Göring, Ribbentrop, Keitel, Rosenberg and Streicher and during the discussion the meeting:

Agreed that any defendant's counsel may have an associate, but the Tribunal made no promise to compensate him and he could not sit in court unless an application to the Tribunal indicating reasons was granted.

Agreed that defendant Rosenberg may interview defendant Frank only on the question of counsel and that Major Neave be present at the interview.

Agreed that Article 16 of the Charter gives each defendant the choice of defending himself or of defense through counsel, that if a defendant chooses to defend himself he cannot have a counsel or associate, but that Article 24(j) of the Charter permits each defendant to address the Tribunal even if he has chosen to defend through counsel.

Major Neave stated that at the moment there appeared to be 10 defendants without counsel and that most of them would be willing to be defended by a counsel who also defended some of the others if the number defended by one counsel was not too great.

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Judge Parker stated that he thought it would be best to appoint three or four counsel and to permit them to divide the defendants, not otherwise provided with counsel, among them.

Mr. Biddle stated that he had been in communication with General Eisenhower, who had said he would take up the question of providing compensation for counsel with the Allied Control Council but this Council had just met and would not meet again for several weeks. Mr. Biddle suggested that each Member urge his government to prompt action in providing immediate funds for compensation of counsel and that he had made arrangements whereby the United States could forward a quarter of the immediate cost of such compensation. General Nikitchenko stated that he had applied to his government for this purpose. Lord Justice Lawrence stated that he would do so. M. de Vabres stated that he had not yet consulted the French member of the Allied Control Council but that his government was disposed to advance a siutable fund.

The question of members of the medical commission to visit Krupp was taken up and General Nikitchenko stated that he was ready to name a physician who was already in Nuremberg. The other Members hoped to be able to name physicians by tomorrow and it was understood that these names would be given to the General Secretary, who would arrange the visit to Krupp in Salzburg.

The question of providing the Members of the Tribunal with documents made available by the prosecution was considered and it was suggested that when these documents were lodged in the Defendants' Information Center on November 5 the General Secretary would arrange for access by the Members of the Tribunal to those documents they desired to see.

Mr. Biddle stated that in his opinion the trial might be delayed if applications by defendants were not acted upon promptly. He asked the Members to consider that point in adjourning the present session of the Tribunal.

The General Secretary was asked to report on the opinion of the prosecutors concerning applications by defendants. He said the Committee of Chief Prosecutors had met and had divided the applications into two classes--first, those which involved questions of policy which ought to be passed upon by the Chief Prosecutors themselves and, second, other questions which the Chief Prosecutors could leave to the Committee under Lieutenant Barrett. The Tribunal could have answers to questions in the latter class very soon but as to policy questions the prosecution felt that it needed further information from the defendants.

The meeting:

Agreed, at the suggestion of Mr. Biddle, that the General Secretary should notify Lieutenant Barrett to report for his committee at the afternoon meeting and also to notify the Chief Prosecutors themselves to attend the meeting in order that the Tribunal might immediately consider and, if possible, decide upon the applications by defendants.

The General Secretary stated that photographers wished to take pictures of the Members of the Tribunal and it was decided to meet at 1:50 for that purpose.

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Mr. Biddle called attention to the fact that defendants Raeder and Fritzsche had not yet been brought to Nuremberg and read the minute of October 17, in which General Nikitchenko had stated that "arrangements had been made for serving notice upon them Thursday (October 18) and transferring them to Nuremberg within a few days." Mr. Biddle stated that he had been informed by General Eccles, who was acting for General Clay during the latter's absence, that there would be no difficulty in arranging passes for these defendants into the American zone. General Nikitchenko stated that yesterday he had directed that these persons be brought to Nuremberg and while he had no further information this morning he thought that most probably they would be here tonight and if not he would send a plane to have them brought tomorrow.

Lord Justice Lawrence stated that it would be difficult for the British Members to return next week and hoped that necessary questions might be dealth with immediately, making it unnecessary for the Members to return until November 12. It was agreed to postpone the problem until the prosecutors had been heard.

The meeting adjourned at 12:40 to meet again at 1:50.

H2786-0183

Palace of Justice
Nuremberg, Germany

#18

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

October 30, 1945 2:15 P.M.

Afternoon Session

Mr. Biddle, Chairman

All the Members of the Tribunal and their Alternates were present.

The question of compensation to be given defendants' counsel was reconsidered at the suggestion of M. de Vabres and the meeting:

Agreed to make the initial payment 4,000 marks instead of 2,000 marks.

A draft minute of the Tribunal and the letter to General Eisenhower containing recommendations in regard to compensation for defendants' counsel were considered and, after certain modifications, approved with the understanding that the letter would serve as a model for each Member to send to the representative of his country on the Allied Control Council and that the letter would state that it was being sent to all such representatives.

The General Secretary reported that the prosecutors had no objection to the Tribunal appointing a committee of medical officers to visit and report upon the condition of Krupp von Bohlen.

After discussion of the date of meeting after the present series of meetings adjourned, the meeting agreed to defer this matter.

The General Secretary was directed to advise the prosecutors that the Tribunal would consider the applications which had been made by defendants tomorrow.

The agenda for tomorrow's meeting was determined as follows: (1) report by Major Neave on counsel to be designated by the Tribunal, (2) applications which had been made by defendants, and (3) medical commission to investigate Krupp von Bohlen.

Mr. Biddle stated, after General Nikitchenko had made an inquiry concerning the letter which had been agreed on at yesterday's meeting to send to the prosecutors, that he was informed the prosecutors had decided to file a list of documents on November 1st and that the documents themselves and translations into German would be available by November 5th.

The General Secretary was requested to provide every Member of the Tribunal and every Alternate with this list of documents and to discuss with the prosecutors how the documents themselves could best be made available to the Members of the Tribunal.

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Mr. Biddle stated that arrangements had been made for a special diningroom for Members of the Tribunal.

Lord Justice Lawrence suggested that it would be inappropriate for Members of the Tribunal to smoke during the trial and that was agreed upon.

Mr. Biddle stated that counsel for defendant Raeder had arrived in Nuremberg but that Raeder himself, who, together with defendant Fritzsche, was in custody in the Soviet zone, had not yet arrived. General Nikitchenko stated that before he left Berlin directions had been given to bring these defendants to Nuremberg. Mr. Biddle stated that he considered the matter important because if Raeder and Fritzsche did not arrive in time to consult counsel and prepare their defense it might be necessary to postpone the trial. Lord Justice Lawrence expressed agreement with this opinion and General Nikitchenko stated that he would look into the matter.

The minute and letter concerning compensation for defendants' counsel were received in final form and distributed.

The meeting adjourned at 3:45 to meet at 10:00 tomorrow morning.

H2786-0185

Palace of Justice
Nuremberg, Germany

#17

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

October 30, 1945 10:00 A.M.

Lord Justice Lawrence, Chairman

All the Members of the Tribunal and their Alternates were present.

The General Secretary made his report drawing attention to the service of indictments upon the defendants in custody and the service, by publication, on defendant Martin Bormann, and of accused organizations.

He stated that Krupp von Bohlen had been served in Salzburg and read a report from James Rowe, who had made the service, including a medical report indicating that Krupp von Bohlen was ill and would probably die if moved to Nuremberg. The report recommended that the Tribunal send a committee of medical officers to verify this situation.

The meeting:

Agreed, at the suggestion of Mr. Biddle, that the report on Krupp be filed.

Agreed that a committee of four medical officers, one appointed by each Member of the Tribunal, be sent, if the Committee of Prosecutors made no objection, to examine Krupp and that they be empowered to employ specialists if necessary. The hope was expressed that these doctors be designated today or tomorrow, and the General Secretary was instructed to notify the Chief Prosecutors.

Major Neave reported on his consultations with the defendants. At the present time, 12 defendants have obtained counsel, who are here or are on their way here. Nine defendants who have made written requests for particular counsel have not yet obtained counsel. In view of these cases it seems probable that the counsel desired will be obtained. One defendant, Rudolf Hess, has applied to the Tribunal to appoint counsel but has expressed no interest in whether he obtains counsel or not. One defendant, Martin Bormann, has not been found.

The meeting:

Agreed, at the suggestion of Mr. Biddle, that counsel for Hess be immediately designated by the Tribunal.

Agreed that the Tribunal construe the 10 day period referred to in paragraph 2 (d) of the Rules as permitting immediate designation of counsel for those who had not yet obtained counsel, even if they had expressed a choice of counsel.

Major Neave stated that certain defendants had asked that if the counsel of their choice were not obtained, the Tribunal appoint certain types of counsel for them; for example, non-Jewish counsel, or counsel who were military experts.

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The meeting:

Agreed that defendants had no right to insist on any qualifications for counsel designated by the Tribunal but that the Tribunal might wish to give consideration to such desires.

Agreed to authorize Major Neave to interview defendants who were still unsupplied with counsel by tomorrow with a list of counsel designated by the Tribunal, and to ask how many would be willing to be defended by one or more counsel on this list.

Major Neave, upon inquiry concerning Rudolf Hess, said that he had interviewed Hess several times, that Hess appeared to understand the significance of Rule 2 (d) and of the Articles of the Charter concerning counsel, and that he did not know how long Hess's memory lasted but that Hess claimed to remember up to 14 days. Major Neave further stated that Hess's general attitude in regard to the trial was one of complete indifference but apparent capacity to understand explanations of his rights.

Major Neave stated that eight or nine defendants had asked for associate counsel. After discussion the meeting agreed to defer the question of the permissibility of associate counsel until counsel had been obtained for all of the defendants and to instruct Major Neave to so inform the defendants.

Major Neave raised the question of compensation of counsel. After discussion in which the availability of funds, the possible need of alternative counsel to supply counsel who might become ill, and the possibility of utilizing frozen funds of the defendants were considered.

The meeting:

Agreed that Mr. Biddle draft a resolution for the Tribunal after lunch, and, if the Members agreed, take it up with General Eisenhower.

Agreed that the Tribunal would recommend to the Allied Control Council that it make an allowance of 2,000 marks each to all counsel as advance payment, the Tribunal to consider whether to recommend further allowances after the trial. It was understood that the Tribunal would not concern itself with private arrangements made by the defendants with counsel.

Major Neave stated that certain counsel selected by defendants desired appointment or approval by the Tribunal, pointing out that some of them feared their status in military government courts might be affected if they acted for the defendants without such approval.

The meeting:

Agreed that Mr. Biddle should include a reference to this question in the draft which he would prepare with the help of Sir Normann Birkett to be submitted at the afternoon meeting. It was suggested that if the Tribunal gave such approval it would not itself give publicity to the matter but would not attempt to prevent the lawyers concerned from making the matter public.

Mr. Biddle distributed the final text of the Rules of the Tribunal.

The meeting adjourned at 12:45 to meet again at 2:00 p. m.

Palace of Justice
Nuremberg, Germany

#16

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

October 29, 1945 2:30 P.M.

Afternoon Session

M. de Vabres, Chairman

All of the Members of the Tribunal and their Alternates were present.

At the invitation of the meeting, Colonel Gill and the Prosecutors attended.

Mr. Justice Jackson explained in detail the press arrangements, stating that the United States Army authorities had inquired of each Government and that it had imposed no restrictions upon the type of papers to be represented or their policy. The British had wanted 2 teleprinters and one copy room, which had been granted; the Russians had asked for two teleprinters to Berlin which had been granted; the French had asked for four teleprinters, one room, 12 private telephones, and a copy room which had been granted. The French had also asked for 50 seats, but had been given only 40 in view of information that the French press would be unable to carry ~~out~~ extensive accounts because of lack of paper. The Soviet had asked for 25 seats which had been granted, and the British for 50 seats which had been granted. South and Central America had been given 10 seats, Belgium, five, Sweden, 5, Denmark, 5, and Switzerland, 5. The United States had originally asked for 250, but being informed of the limitations of space had reduced their request to 85 seats, which had been granted. These seats included press, radio and cinema representatives. No arrangements had yet been made for the German press.

On Sir Norman Birkett's suggestion, the meeting agreed that the Tribunal should sit daily a minimum of five hours and a maximum of six hours, and two and a half hours on Saturday.

Colonel Gill explained the arrangements for visitors to the trials. There were seats for 80 in the upper galleries. His office would allot seats on a day to day basis in order to avoid unoccupied space which might result from permanent allotments by countries. Eight seats would be normally alloted to each of the four countries represented on the Tribunal, one to each of the other 15 nations which had adhered to the Agreement, the remaining 33 seats would be reserved as a pool which would be distributed on two day's notice to persons who seemed entitled to attend, including officers in the area who had contributed to the preparatory work for the trials. The meeting approved of this plan.

Colonel Gill stated that the offices in the court building desired by the Members of the Tribunal were being fitted for occupancy.

The meeting voted its thanks to Colonel Gill for his excellent work in making arrangements.

Mr. Biddle stated that a number of requests had been received from defendants and that these had been given to the officer appointed by the

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Committee of Chief Prosecutors as a liaison with the Court. Mr. Justice Jackson stated that the Chief Prosecutors would give early consideration to these requests and advise the Tribunal their opinion.

Mr. Justice Jackson and Colonel Gill explained the problem of security in relation to defendants' counsel. On Mr. Justice Lawrence's suggestion, the meeting agreed that the United States Army should screen defendants' counsel chosen from the American Zone and should obtain screenings from the military authorities for those from other zones, and, in the meantime and thereafter, they would take all precautions for security; the names of defendants' counsel should be given to Colonel Gill immediately and from time to time for that purpose.

The General Secretary, Mr. Willey, stated that minutes of all previous meetings had been distributed in the English text to each of the Members. The meeting agreed that each Delegation should examine the minutes and report any amendments or corrections for the meetings of November 10 or 12.

Consideration was given to the rules of the Tribunal. It was pointed out that Rule 2(d) had been finally accepted in the morning session. On General Nikitchenko's suggestion, Rule 6 was amended, changing the title to "Oaths; Witnesses" and paragraph (b) added as follows:

> "Witnesses while not giving evidence shall not be present in court. The President of the Tribunal shall direct, as circumstances demand, that witnesses shall not confer among themselves before giving evidence."

On Judge Parker's suggestion, Rule 4(a) was amended by adding at the end the following:

> "The application shall state where the witness or document is thought to be located, together with a statement of their last known location. It shall also state the facts proposed to be proved by the witness or the document and the reasons why such facts are relevant to the defense."

With the above modifications, the meeting agreed to adopt the rules and at Mr. Biddle's suggestion to direct that the English text be distributed to the Members tomorrow, and that mimeographed copies should at once be prepared and distributed to the Prosecution and published. Furthermore, that a German text should be prepared and mimeographed and sent immediately to the defendants.

M. de Vabres pointed out the convenience if documents to be submitted by the Prosecution were classified in accordance with their relevance to the liability of each defendant and made available to the Members of the Tribunal in advance of the trial. General Nikitchenko expressed the opinion that Article 14 of the Charter required that such documents be lodged with the Tribunal before the trial. At Mr. Biddle's suggestion, the meeting agreed that the Prosecution be asked whether it intended to submit documents in addition to the indictment under Article 14 of the Charter before the trial, and, if so, to submit them as soon as possible, and that a draft letter be prepared for Mr. Justice Lawrence to sign by tomorrow morning.

The agenda for tomorrow morning was discussed and the following items were suggested: (1) Report of General Secretary on applications made by defendants; (2) Report of General Secretary on publication of notices; (3) Report of General Secretary and Major Neave on the situation in reference to defendants' counsel; (4) Designation of counsel by the Tribunal; and (5) Compensation for counsel.

The meeting adjourned at 5:45 to meet tomorrow at 10:00 A.M.

H. Willey

Palace of Justice
Nuremberg, Germany

#15

INTERNATIONAL MILITARY TRIBUNAL

Organizational Meeting

October 29, 1945 10:10 A.M.

General Nikitchenko, Chairman

All the Members of the Tribunal and their Alternates were present.

At Mr. Biddle's suggestion, Colonel Gill and the Prosecutors were invited to attend the meeting.

General Nikitchenko said that the defendants, Raeder and Fritzsche, had made a number of applications which he had not yet turned over to the General Secretary.

At Mr. Biddle's suggestion, consideration was given to the formal approval of the rules, and a proposal by General Nikitchenko to eliminate the words "unless by special permission of the Tribunal" in Rule 2(d) was not approved. Consideration of other suggestions by General Nikitchenko was deferred.

Colonel Gill and the Prosecutors entered the room and Colonel Gill explained a model of the courtroom.

Colonel Gill stated that the United States Army authorities were in control of the admission of representatives of the press, radio, and moving pictures, and would take care that passes would be withdrawn from any such persons who violated the rules. The meeting agreed that this matter should be left with the Army.

Colonel Gill stated that the United States Army was responsible for the security of the defendants and the courtroom, but that General Nikitchenko had suggested that international guards composed of representatives of the four nations should be present as a token force in the courtroom. The meeting agreed in principle to the proposal for an international guard, provided the details could be satisfactorily worked out with the United States Army authorities. Colonel Gill stated that this international force would in any case be a token force, and that guards under the authority of the United States Army would be present to deal physically and effectively with any possible disturbance.

Colonel Gill explained in detail the arrangements made by his office in connection with interpretation of the oral proceedings, translation of written documents, and reporting. He stated that a full record would be prepared and checked daily against sound recordings. Each Delegation would be responsible for translating the record and documents submitted in evidence into its own language and the American and British Delegations would share this responsibility for translating into German. He stated that he would have an office under Colonel Dastert for clearing all problems in this field. He stated that six interpreters, six translators, four reporters, and one additional translator - 17 in all - would have to be provided by each of the four countries to interpret, translate, or record from all the other languages into the language of that country. Colonel Gill had no fear as to the operation of the mechanical equipment, but he felt the system would depend upon the ability of the interpreters and the maintenance of discipline in the courtroom. He pointed out that even

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H2786-0190

if interpretations were not quite simultaneous, if the system worked, it would be infinitely better than three successive translations of everything that was said. He wanted to be sure that the Tribunal approved of the system, approved of the office to be had by Colonel Dastert, and that each member of the Prosecution assumed the obligations of providing the personnel to interpret, translate, and record into the respective languages. He stated that his office would provide billets and offices for this personnel. Mr. Justice Jackson explained the difficulties connected with the multiplicity of languages and the need for very skillful interpreters and translators if the system arranged was to work. He stated further that it was expected that the prosecutor of each country would present documents in two languages - his own and German - and that all would arrange to get interpreters and translators of the highest type. He said the number of documents had not been determined, but would be large. The United States Prosecution has some 2000 which are relevant and they are trying to assemble and condense in trial briefs. He stated that it would be necessary to have rehearsals of the interpreting system and that defendants' counsel should be at these rehearsals. The first one should be by November 12. As to defendants' documents, he said they would probably be mostly in German and Colonel Gill's staff would arrange for necessary translations.

At Mr. Biddle's suggestion, each of the Prosecutors was asked whether he was in agreement with Mr. Justice Jackson's statement, and all replied yes.

The meeting recessed at 1:20 until 2:30 in the afternoon.

Room 396
Palace of Justice
Nurenberg, Germany

#14

INTERNATIONAL MILITARY TRIBUNAL

Saturday, October 20, 1945 - 10:30 A.M.

The Honorable Francis Biddle Presiding

The American and Soviet Members and their Alternates were present. It was recognized that the meeting was informal, any action being subject to confirmation by the other Members of the Tribunal.

The English and Russian texts of the Rules were compared and it was

Agreed that the final sentence in Rule 1 be transferred to the end of Rule 11;

Agreed that Rule 4(c) be modified to read, "If the witness or the document is within the area controlled by the occupation authorities, the General Secretary shall, if the Tribunal is not in session, communicate the application to the Chief Prosecutors and, if they make no objection, the General Secretary shall issue a summons for the attendance of such witness or the production of such documents, informing the Tribunal of the action taken. If any Chief Prosecutor objects to the issuance of a summons, or if the Tribunal is in session, the General Secretary shall submit the application to the Tribunal, which shall decide whether or not the summons shall issue."

Agreed that Rule 5 be modified so that the last sentence reads" Any defendant or any other person may be excluded from open sessions of the Tribunal for failure to observe and respect the directives and dignity of the Tribunal."

Agreed that Rule 7(e) be modified by eliminating the word "open" before the word "court".

With these changes the Russian text was found to conform to the English text and the Soviet and American representatives approved the Rules.

The meeting adjourned at 12:30 p.m.

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Room 196, Court House, Nuremberg

#13

INTERNATIONAL MILITARY TRIBUNAL

Friday, October 19, 1945, 10:30 A.M.

Chairman - Mr. Biddle

All the Members of the Tribunal and their Alternates, except Lord Justice Lawrence and Mr. Justice Birkett, were present. Mr. Biddle explained that this was an informal meeting since the British Member was not present but that he had consulted Lord Justice Lawrence by telephone and was able to speak for him on certain matters.

Colonel Gill of the Prosecutors Office gave a brief statement about the arrangements of rooms and it was decided to visit the rooms after the meeting.

It was recalled that it had been agreed not to serve the accused persons with the Agreement but only with the Charter.

The meeting:

Agreed that the General Secretary should consult with the Prosecutors and report at the next session on the question of proper compensation for defense counsel and in the meantime the Members will take up with their Governments both the question of providing food and quarters for counsel and the question of additional compensation.

Agreed that the next session should be on October 29 in Nuremberg as near 9:00 in the morning as possible.

Agreed that the trial should begin on Tuesday, November 20, the exact hour to be fixed later.

Consideration was given to the question of making contact with lawyers for the defendants and it was suggested that Professor Karasev, Soviet Legal Adviser in Berlin, M. Lenoan, Chief of the French Legal Division in Berlin in regard to the French area; Mr. Fahy of the American Legal Division in Berlin in regard to the American area and General Wilberforce in regard to the British area be consulted.

The meeting:

Agreed that the General Secretary should consult with Major Neave and the Soviet representative appointed to work with Major Neave and should deal directly with the three legal representatives in Berlin in order to obtain counsel for the defendants--each state to arrange transportation to Nuremberg for lawyers found in its area.

Agreed that when any defendant requests a specific lawyer, request will be made by the General Secretary (after consultation with Lord Justice Lawrence or in his absence with Mr. Biddle) to the Legal Affairs Officer of the area in which the lawyer resides and if his whereabouts is unknown to take up the question with all the Legal Affairs Officers in order to find the desired lawyer. If any defendant asks the Tribunal to appoint a lawyer, the General Secretary should make the appointment and arrange through the appropriate Legal Affairs Officer to obtain the lawyer from the territory where he is found.

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Agreed that whenever more than one defendant was willing (or requested) to have the same lawyer, the General Secretary should appoint that one.

Agreed to have German translations made of the notice for publication in respect to Bormann and in respect to accused organizations under the direction of the General Secretary, who would provide for the immediate publication of these notices, inserting the date for the opening of the trial, November 20, 1945, in the notices. The General Secretary should also provide copies of these German translations to the Secretary of each Member of the Tribunal for publication in their respective territories in order to give notice to prisoners of war and each Secretary would be responsible for seeing that appropriate action was taken in their respective territories and for reporting back to the General Secretary, who would report to the Tribunal on the publication.

The French Member pointed out that his Secretary would be away and consequently the matter should be taken up with the Legal Affairs Officer. The Soviet Member stated that he would take the German translation of this notice with him on his return Sunday.

The meeting:

Agreed that the General Secretary inform the press immediately that the trial will begin in Nuremberg on November 20 and that there was no objection to giving this information to the prosecution to assure publication.

It was decided to give attention to the problems of conforming the Russian and the English texts of the Rules in the afternoon.

Captain Kiley (in place of Colonel Gill who expressed his regret that he was detained) called and invited the Members to his office where a model of the Court Room was explained and later guided them to the Court Room itself and the offices provided for the Judges and Secretariat.

The meeting adjourned at 1:00 o'clock.

H2786-0194

#12A

A.C.A. Building,
Grand Conference Room,
Berlin

INTERNATIONAL MILITARY TRIBUNAL

Public Session
Thursday, October 18, 1945
10:30 A.M.

General Nikitchenko, President

Present: General Nikitchenko, President, Mr. Volchkov, Mr. de Vabres, Mr. Falco, Mr. Biddle, Judge Parker, Lord Justice Lawrence, and Mr. Justice Birkett.

The President said:

"In pursuance of the Agreement by the Government of the Union of Soviet Socialist Republics, the provisional Government of the French Republic, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the prosecution and punishment of the major war criminals of the European Axis dated at London 8th August, 1945, and of Article 22 of the Charter annexed thereto constituting this International Military Tribunal, this meeting is held at Berlin for the reception of the Indictment under the Agreement and Charter."

This Statement was translated in French, English and German. The Members of the Tribunal and their Alternates then made the following declaration, each in his own language:

> "I solemnly declare that I will exercise all my powers and duties as a Member of the International Military Tribunal honourably, impartially and conscientiously."

The President then declared the session opened.

The Chief British Prosecutor, Mr. Shawcross, introduced in succession the Soviet Chief Prosecutor, General Rudenko; the French Chief Prosecutor, M. Dubost; and a representative of the American Prosecutor, Mr. Shea. Each on being introduced made a brief speech, which was translated into the other languages, and lodged a copy of the indictment, in his own language, with the President of the Tribunal.

The President said:

"An indictment has now been lodged with the Tribunal by the Committee of the Chief Prosecutors setting out the charges made against the following defendants:

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Hermann Wilhelm Goring, Rudolf Hess, Joachim von Ribbentrop, Robert Ley, Wilhelm Keitel, Ernst Kaltenbrunner, Alfred Rosenberg, Hans Frank, Wilhelm Frick, Julius Streicher, Walter Funk, Hjalmar Schacht, Gustav Krupp von Bohlen und Halbach, Karl Donitz, Erich Raeder, Baldur von Schirach, Fritz Sauckel, Alfred Jodl, Martin Bormann, Franz von Papen, Artur Seyss-Inquart, Albert Speer, Constantin von Neurath, and Hans Fritzsche.

Copies of the Charter and of the Indictment and of its accompanying documents will be served upon the defendants in the German language immediately.

Notices will also be served upon them in writing drawing their attention to Articles 16 and 23 of the Charter which provide that they may either conduct their own defence or be defended by any Counsel professionally qualified to conduct cases before the Courts of his own country or by any other person who may be specially authorized thereto by the Tribunal; and a special clerk of the Tribunal has been appointed to advise the defendants of their right and to take instructions from them personally as to their choice of Counsel, and generally to see that their rights of defence are made known to them.

If any defendant who desires to be represented by Counsel is unable to secure the services of Counsel the Tribunal will appoint Counsel to defend him.

The Tribunal has formulated Rules of Procedure, shortly to be published, relating to the production of witnesses and documents in order to see that the defendants have a fair trial with full opportunity to present their defence.

The individual defendants in custody will be notified that they must be ready for Trial within 30 days after the service of the Indictment upon them. Promptly thereafter the Tribunal shall fix and announce the date of the Trial in Nuremberg to take place not less than 30 days after the service of the Indictment and the defendants shall be advised of such date as soon as it is fixed.

It must be understood that the Tribunal which is directed by the Charter to secure an expeditious hearing of the issues raised by the charges will not permit any delay either in the preparation of the defence or of the Trial.

Lord Justice Lawrence will preside at the Trial at Nuremberg.

Notice will also be given under Article 9 of the Charter that the Prosecution intends to ask the Tribunal to declare that the following organizations or groups of which the defendants or some of them were members are criminal organizations, and any member of any such group or organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of such group or organization. These organizations referred to are the following:

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Die Reichsregierung (Reich Cabinet); Das Korps Der Politischen Leiter Der Nationalsozialistischen Deutschen Arbeiterpartei (Leadership Corps of the Nazi Party); Die Schutzstaffeln Der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and including Die Sicherheitsdienst (commonly known as the "SD"); Die Geheime Staatspolizei (Secret State Police, commonly known as the "Gestapo"); Die Sturmabteilungen Der N.S.D.A.P. (commonly known as the "SA") and the General Staff and High Command of the German Armed Forces.

The Indictment having been duly lodged by the Prosecutors in conformity with the provisions of the Charter, it becomes the duty of the Tribunal to give the necessary directions for the publication of the text.

The Tribunal would like to order its immediate publication but this is not possible in as much as the Indictment must be published simultaneously in Moscow, London, Washington, and Paris.

This result may be achieved, as the Tribunal is informed, by permitting publication in the press of the Indictment not earlier than 8 P.M., G.M.T., i.e. 2000 hours today, Thursday, October 18th."

This Statement was translated.

The meeting adjourned at 11:25 A.M.

H2786-0197

#12
~~#16~~

A. C. A. Building,
Room 192

INTERNATIONAL MILITARY TRIBUNAL

Afternoon Meeting, October 17, 1945, 4:00 P. M.

General Nikitchenko, Chairman.

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All members of the Tribunal and their alternates were present.

The meeting agreed, on suggestion of Lord Justice Lawrence, to nominate an officer on the British Control Commission in Berlin to forward all documents pertaining to the Tribunal to the General Secretary in Nuremberg until he has been able to formulate a plan for a permanent secretariat in Berlin in conformity with Article 22 of the Charter. Lord Justice Lawrence stated later in the meeting that Major R. Hortin, of the Legal Division, Control Commission for Germany, British Element, would serve in this capacity.

The meeting considered certain divergencies in the Russian text of the Rules from the English text of the Rules.

The meeting agreed that the defendants should be served with the Rules of the Tribunal in full as and when adopted.

The meeting made arrangements for the visit to Nuremberg by the Members, to leave Berlin at 2:30 P. M. on the 18th.

The meeting considered the arrangements for the service of notices by publication, and the General Secretary was instructed to make arrangements with Colonel Raymond Fried for the American Zone, and with Major M. Balfour for the British Zone. The Soviet and French members were to inform the American member as to the proper officers in their zones.

The Chief Prosecutors entered and gave the information that Martin Bormann was probably dead, but they wished more time to consider whether his name should be removed from the indictment.

The meeting:

Agreed that the officer serving the notice on Krupp in Salzburg should report on the state of his health, and that the Tribunal would later decide if it was necessary to dispatch a physician.

Agreed on an order for notice by publication to Martin Bormann who was not in custody.

Agreed, on suggestion of Lord Justice Lawrence, General Nikitchenko dissenting, to insert in the order concerning notice to organizations a provision that publication in the German language should also be given wherever practicable in all Prisoner of War Camps in which Germans are imprisoned in such manner as the officer commanding the said camps may decide.

H2786-0198

Sir Norman Birkett reported that the B.B.C. will make available in London to the United States and to the French broadcasting companies, a version of the record made at the public meeting, and in Berlin to the Soviet companies an English version of the record. He also stated that this arrangement was satisfactory to the Americans, the French, and Russian broadcasting companies.

The meeting:

Agreed to permit the B.B.C. to record the meeting on these conditions.

Agreed to modify the form of notices by publication by requiring posting only "if practicable".

Mr. Biddle stated that the English text of the minutes of the meetings of October 10, 11, 12, 13, 14 and 16, had been distributed to the secretaries of the delegations.

The Chief Prosecutors entered and expressed the opinion that the name of Martin Bormann should remain on the indictment, that Article 14 of the Charter gave the prosecutors authority to determine who should be tried, and that Article 12 of the Charter gave the Tribunal jurisdiction to try defendants in absentia, and not discretion to determine who should be tried. The right of the Tribunal to sever defendants was discussed without any conclusions being reached.

After the Prosecutors had withdrawn the meeting agreed to serve process on Bormann by public notice and to leave until later the question of whether he should actually be tried if not found.

M. Kaminker, the French Interpreter, explained the problem of interpreting the trial at Nuremberg.

The meeting adjourned at 7:55 P. M., to meet in public session at 10:30 tomorrow.

H2786-0199

A.C.A. Building, Room 192
Berlin

#9 #11

INTERNATIONAL MILITARY TRIBUNAL MEETING

Wednesday, October 17, 1945

10:30 A. M.

LORD JUSTICE LAWRENCE, Chairman

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All the Members of the Tribunal, and their Alternates, were present.

The Chairman distributed the agenda: (1) further consideration of orders and notices, (2) German text of President's statement, (3) radio at public session, (4) report from Soviet member on situation of Raeder and Fritzsche, (5) recess to permit Soviet member to check Russian text of rule, (6) final approval of rules, and (7) approval of minutes of previous meetings.

The meeting agreed that the prosecution be informed that the Tribunal desired them not to make any statement in the public meeting in regard to orders and notices.

Captain Adrian Fisher was introduced, by Mr. Biddle, as the American Secretary, and the Chairman introduced Mr. McIlwraith as the British Secretary.

The meeting:

Agreed that the Members and Alternates, and associates, should leave for Nuremberg Thursday at 2:00 P. M.

Agreed, on General Nikitchenko's suggestion, that at the public session the Members make their declarations directly after the opening statement and before the President declared that the Court is in session.

Agreed that the date of the trial be settled in Nuremberg before the members leave that city.

The problem of serving indictments upon the persons accused was considered, and General Nikitchenko stated that he had ascertained that the accused in the Soviet Zone could not be transfered to Nuremberg by Thursday, but arrangements had been made for serving notices upon them Thursday and transfering them to Nuremberg within a few days. It was pointed out that all of the other accused persons were in Nuremberg, with the exception of Krupp von Bohlen, who was in Salzburg.

The meeting:

Agreed, on Mr. Biddle's suggestion, that the service of documents which are to be served on the individual defendants be made upon Krupp by an officer designated by the American Member of the Tribunal, and that that officer promptly report back to the Tribunal, in writing, that the service has been made, and, in the same manner, an officer designated by the Soviet Member of the Tribunal make service of documents which are to be served on individual defendants on the two defendants in the Soviet Zone, and promptly report back in writing to the Tribunal that the service had been made.

H2786-0200

Agreed that the final paragraph of the notice, in respect to service upon defendants in custody, be amended by substituting the words "an officer" for "Major Neave".

Agreed that the words "No. 1" at the top of each of the orders and notices, intended to designate the number of the case, be eliminated from all of the documents.

Agreed, at Mr. Biddle's suggestion, that the General Secretary be directed to carry out orders and notices adopted by the Tribunal, and that he arrange with the Committee of Prosecutors for effective service and publication, and arrangements for choosing counsel for defendants as may be necessary for that purpose.

Consideration was given to orders and notices, and the meeting agreed to an order concerning the service of individuals in custody named in the indictment; a notice to individuals in custody named in the indictment, and an order concerning the publication of notice to organizations named in the indictment. At the suggestion of Mr.Biddle, these documents were respectively designated A, B and C.

The meeting:

Agreed that the President of the Tribunal for the trial, Lord Justice Lawrence, is requested to sign all orders on behalf of the Tribunal and that they, thereafter, be spread on the record of the Tribunal.

Agreed that the German text of the President's statement to be made at the public session, be signed by the translator and certified by the General Secretary.

The meeting informed the Committee of Chief Prosecutors that the arrangements for lodgment and release of the indictment at the public session on the 18th, were the same as those originally planned for the 15th.

M. de Vabres stated that he hoped there would be an opportunity for the members to hear an explanation of the interpretation system at Nuremberg from the French interpreter M. Kaminker.

Consideration was given to the question of trying Martin Bormann, who is not in custody, and might be dead, and the prosecutors were asked to attend and explain the situation at the next meeting.

The meeting recessed at 1:05 P. M. to meet again at 4:00 P. M.

A.C.A. Building, Room 192

THE INTERNATIONAL MILITARY TRIBUNAL

MEETING

Tuesday ~~MONDAY~~, OCTOBER 16, 1945, 3:00 P.M.

BERLIN.

HONORABLE FRANCIS BIDDLE, CHAIRMAN.

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All members of the Tribunal, and their alternates, were present, with the exception of Lord Justice Lawrence. At the suggestion of Sir Norman Birkett, Mr. Biddle took the Chair in place of Lord Justice Lawrence, on the understanding that Lord Justice Lawrence would be Chairman at the next meeting.

The Chairman announced the agenda: (1) Rules of Procedure, (2) Orders and Notices.

Before considering the items on the agenda, there was discussion of the open meeting to be held on Thursday. Captain Riley will be in charge of the room. A special place would be reserved for the press. 50 admission cards, signed by the secretaries, would be given to each delegation. Anyone in uniform would be admitted without a card. Any places which remain would be available to the general public. The meeting agreed that the question of setting up news reel, photographic apparatus in the room before the meeting, to use after the meeting, be left to the General Secretary with the understanding that such arrangements should not in any way detract from the dignity of the proceedings.

The meeting agreed that the Russian and French translations of the Rules should be compared for textual conformity before tomorrow's meeting for final signature.

The meeting agreed on the suggestòn of Sir Norman Birkett that the words "Allied Control Authority" in paragraph 4 (b) and (c) be changed to "Occupation Authorities"; on suggestion of General Nikitchenko that Rule 8 be put at the end of the Rules; and on suggestion of Mr. Biddle that in Rule 7(b) the words "of that question" be changed to "of the question raised".

The meeting agreed that the Rules themselves should not be signed, but that a minute stating that the Rules had been accepted should be signed by the Members of the Tribunal.

The meeting agreed that the Chairman of the day arrange for the translation of the Rules into German for correction at the next session.

The General Secretary stated that he had had the English and Russian texts of the statement to be made by the President at the opening session compared and certain differences were found. These were discussed and a common text agreed upon. Sir Norman Birkett stated that the British would undertake to translate into German for approval tomorrow, and to prepare the German text for distribution in bulk. M. de Vabres stated that he would see that the French translation was ready for approval tomorrow, and that it was prepared for distribution in bulk. Sir Norman Birkett stated that he would report tomorrow from the B.B.C. whether it could make the recordings in the three languages for distribution to the three countries. It was understood that photographs and moving pictures could be taken after the opening public session.

H2786-0201

After extensive discussion of the desirability of proceeding with the prosecution of Martin Bormann, who was not in custody and might be dead, the meeting agreed that the Tribunal should proceed with the preparation of notices by publication to him, unless the Chief Prosecutors decided not to prosecute him.

The meeting agreed to the text of the order proposed by the Prosecutors concerning service of the indictment on individual defendants in custody with the modification proposed by Sir Norman Birkett substituting a reference to Rule 2(a) for a repetition in substance of this rule.

The meeting agreed that orders of the Tribunal should be signed for the Tribunal by the President for the trial, that is by Lord Justice Lawrence.

The meeting agreed to the text of the notice to individual defendants in custody as proposed by Mr. Biddle with the substitution of the phrase "not less than 30 days from the service of the indictment upon you" for "November 19, 1945", and the addition of a reference to "Articles 23 and 16 of the Charter" as well as to Rule 2(d).

The meeting agreed that notices should be signed for the Tribunal by the General Secretary.

The problem of serving notice upon the persons named in the indictment now in custody in the Russian Zone was discussed and General Nikitchenko stated that he could not guarantee that they would be brought to Nuremberg, but that provisions were being made for service or notice upon them shortly after the public meeting in Berlin.

The meeting adjourned at 7:45 P. M. until 10:30 A.M. tomorrow.

H2786-0202

H2786-0203

A.C.A. Bldg., Room 192

#11 #9

THE INTERNATIONAL MILITARY TRIBUNAL

Meeting October 15, 1945, 3:00 P.M.

Chairman - Mr. de Vabre

All Members of the Tribunal and their Alternates were present.

The Chairman inquired whether the minutes of the previous meetings were ready and Mr. Biddle reported that the minutes for three days were ready in substance but had not yet been signed by all three clerks.

The Chairman suggested that the Rules already approved in principle be considered again, article by article, in order that they might be produced in a single document for final approval tomorrow. It was agreed that French and Russian translations should be available by 3:00 o'clock tomorrow.

The title of Rule 1 was changed at the suggestion of General Nikitchenko to "~~The~~ Right to Depart from and Add to the Rules."

Rule 2 was modified by omitting, at General Nikitchenko's suggestion, the word "available" in paragraph (a) and substituting, at Mr. Biddle's suggestion, "General Secretary" for "Secretariat" in paragraph (d).

Rule 3 was adopted without modification.

Rule 4 was modified by omitting, at General Nikitchenko's suggestion, the word "any" in paragraph (a); substituting, at Mr. Biddle's suggestion, "appropriate occupation authorities" for "Allied Control Authority" and substituting, at General Nikitchenko's suggestion, the phrase "and the General Secretary shall inform the Tribunal of the steps taken" for "and the Tribunal shall be informed of the steps taken" in paragraph (d); and substituting the phrase "into a language which he understands" for the phrase "into the German language" in paragraph (e).

Rule 5 (which was Rule 6 in the text submitted by the Prosecutors) was modified by omitting, at Judge Parker's suggestion, the word "witnesses" and substituting, at Sir Norman Birkett's suggestion, for the last sentence the sentence "The defendants and the public may lose their right to attend open sessions of the Tribunal if they do not strictly observe and respect the directives and dignity of the Tribunal."

Rule 6 (which was Rule 7) was adopted.

Rule 7 (which was Rule 8) was modified, at General Nikitchenko's suggestion, so that paragraph (a) reads: "All motions, applications or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany" and the words "for the determination of that question" were added at the end of paragraph (c).

Rule 8 (which was Rule 10) was adopted so as to read "these Rules shall take effect upon their approval by the Tribunal."

Rule 9 (which was substituted for Rules 11 and 12) was adopted.

Rule 10 (which was Rule 13) was adopted with substitution of "General Secretary" for "Central Registry" in paragraph (a) and for "clerk" in paragraph (c).

Rule 11 (which was Rule 14) was adopted.

Mr. Biddle stated that having confidence in Major Neave the United States would not appoint a clerk to accompany Major Neave in dealing with defendants.

Texts of orders and notices submitted by the Chief Prosecutors in English, French and Russian were distributed by the Acting General Secretary to the Members of the Tribunal.

General Nikitchenko presented a list of German lawyers in the Soviet zone.

The General Secretary was instructed to have the Russian and English texts of the statement to be made by the President at the public session compared; to add the names of lawyers provided by the Soviet Member to the list previously prepared, thus making a list of 64 names; and to distribute to the Members of the Tribunal copies in the appropriate languages of the declaration to be made by them at the public session.

Mr. Biddle suggested that it was desirable to discuss the next day's agenda at the end of each session.

Lord Justice Lawrence, in behalf of the Members, thanked the American assistants for getting out typewritten documents and drafting Rules of Procedure.

The completed draft of Rules of Procedure was distributed to the Members.

The meeting adjourned at 7:30 p.m. to meet at 3:00 p.m. the next day.

H2786-0204

A.C.A. Building, Room 192

#8

THE INTERNATIONAL MILITARY TRIBUNAL MEETING

SUNDAY, OCTOBER 14, 1945, 3:00 P. M.

BERLIN

GENERAL NIKITCHENKO, CHAIRMAN

All members and their alternates present.

General Nikitchenko announced that the statement to be made by the President, at the opening session, had been translated into Russian and he had made a few changes in form and wished a textual comparison. He also presented the Russian translation of the declaration to be made by the members of the Tribunal from which the word "faithfully" had been eliminated because in Russian it repeated other words.

The meeting:

Agreed that the text of the declaration was satisfactory and should be made by the members at the opening session in Berlin rather than at Nuremberg;

Agreed that each member and his alternate should read the declaration in his own language, rising in his place to do so, in the following order; the President, the President's Alternate, the Member from France, his Alternate, the member from the United States, his Alternate, the member from Great Britain, his Alternate.

Agreed that the General Secretary, the four secretaries and the interpreters be sworn in in private before the Tribunal and at Nuremberg rather than in Berlin.

The Chairman stated it might be impossible to hold the meeting Monday because the indictment might not be ready. Word was sent to the four Prosecutors requesting them to explain the situation in an informal meeting.

Mr. Biddle read a letter from the General Secretary enclosing a list of forty-four lawyers compiled from the list presented by the American, British and French members, and indicating that it was impossible to be certain that none of these lawyers belonged to organizations which were accused.

The meeting agreed that the lists should be submitted to the persons named in the indictment without any recommendation or indication of their qualifications.

The General Secretary reported that the Chief Prosecutors had recommended Major Neave, M. C. as Special Clerk to deal with the defendants, and the meeting agreed to appoint Major Neave to this position, and to approve clerks which might be designated by the American, Russian and French Prosecutors as his assistants without further reference to the Tribunal.

The meeting agreed, at the suggestion of General Nikitchenko, to entitle the rules "Rules of the International Military Tribunal".

A proposed arrangement of proceedings at the public session at Berlin was read by Lord Justice Lawrence and, after discussion, accepted in principle.

Sir Norman Birkett reported that the Committee of Prosecutors, or some of them, wanted the proceeding to be filmed and B.B.C. wished to make a recording. After discussion, the meeting agreed that there should be no filming or flash-

H2786-0205

light pictures at the ceremony at Berlin, but that the making of recordings, which would not necessarily disturb the dignity of the proceedings, should be considered later.

The meeting agreed that the Prosecutors should name the persons indicted and the accused organizations in their statement at the public session in Berlin, and that these individuals and organizations should also be named in the concluding speech by the President.

Agreed that the seating arrangement at the public session should be the President, who would enter first, at right center; the French Member, who would enter second, at left center; the American member, who would enter third, at the extreme right, and the British Member, who would enter last, at the extreme left.

Agreed that orders proposed by the Prosecutors should not be handed in publicly with the indictment.

Agreed to accept in principle the Rules for the organization of the Secretariat, with proposed by Mr. Biddle to change the word "assistants to the General Secretary" to "clerks".

The Prosecutors entered and, after prolonged discussion which disclosed that the Russian Prosecutor was unable to present the indictment in Russian on Monday because of inaccuracies in facts which required verification and inaccuracies in the Russian translation, the meeting agreed to postpone the public session, which had been set for Monday, October 15, at 1030 hours, for three days, and agreed on the following statement to the press:

> "The first public session of the International Military Tribunal was to have been held in Berlin on Monday, October 15, for the purpose of lodging the indictment against the major war criminals of the European Axis. The Chief Prosecutors for the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, and the Provisional Government of the French Republic, advised the Tribunal that they were ready to present and lodge the indictment in their respective languages, but the Chief Prosecutor for the Government of the Union of Soviet Socialist Republics requested the Tribunal to postpone the meeting for three days for the lodgment of the Russian text because of some difficulties in the task of translation, and stated that they would be ready to proceed in that time. The Tribunal acceded to this request and fixed the public session for Thursday, the 18th of October, 1945, at 10:30 o'clock A.M. The first public session was, therefore, postponed to this date and the Tribunal resumed its executive sessions for the final determination of matters of organization and procedure."

After withdrawal of the Prosecutors, the meeting agreed that the General Secretary should distribute this statement to the Press Relations Officers of the four powers in Berlin.

The Prosecutors were recalled and told of these decisions.

The meeting adjourned at 11:35 P.M. to meet at 3:00 P. M. tomorrow.

H2786-0206

H2786-0207

A.C.A. Building, Room 192

#7

THE INTERNATIONAL MILITARY TRIBUNAL MEETING

SATURDAY, OCTOBER 13, 1945, 2:15 P. M.

BERLIN

HONORABLE FRANCIS BIDDLE, CHAIRMAN

- - - -

All members of the Tribunal and their alternates present.

The meeting agreed on the text of the statement concerning rights of defendants to be included in the statement by the President at the opening session in Berlin, with the understanding that the Russian and French texts should be compared with the English text when made.

The order of proceedings in the public meeting in Berlin was discussed.

The meeting agreed that the statement by the President should be read in full in Russian and then read in French, English and German translations in that order, and that the statements by the Chief Prosecutors should be similarly read in translation.

After discussion of proposed statements to be made by the President at the opening session, proposed by Lord Justice Lawrence and by Judge Parker, the meeting agreed that Mr. Justice Birkett and Judge Parker should marry the two statements and, if possible, have them translated into Russian and put in the hands of General Nikitchenko this evening, sending at the same time a copy of the English text to M. de Vabres.

The meeting agreed that the names of the accused individuals and organizations should be included in the statement to be made by the President and that the Prosecutors be so informed.

Agreed that all statements made in the public session be considered immediately available to the press.

The meeting adjourned at 4:00 P. M. until 3:00 P. M. tomorrow.

A.C.A.Building,
Room 192

#6

THE INTERNATIONAL MILITARY TRIBUNAL MEETING

SATURDAY, OCTOBER 13, 1945, 10:30 A. M.

BERLIN

LORD JUSTICE LAWRENCE, CHAIRMAN.

- - - -

All members of the Tribunal and their alternates were present.

The Chairman presented the agenda: (1) visit to Nuremberg after public meeting, (2) presidency, (3) statement by the President at the public meeting, (4) date of trial, (5) clerk to take instructions from defendants (6) organization of secretariat, (7) rules, (8) list of lawyers, (9) forms of orders, (10) minutes of previous meetings.

The meeting:

Agreed to go to Nuremberg, if possible, Monday Noon and to complete any remaining organizational work in Nuremberg;

Agreed to have different Presiding Judges at the opening meeting in Berlin and at the trial in Nuremberg;

Selected Lord Justice Lawrence to preside at the Nuremberg trial;

Selected General Nikitchenko to preside at the public sessions of the Tribunal in Berlin;

Consideration of the statement to be made by the President at the public session in Berlin was temporarily passed.

The meeting:

Agreed that the notice of the indictment should read
"Notice of the indictments shall be served immediately on the accused and on the members of the criminal organizations in the manner directed by the Charter and promptly thereafter the Tribunal shall choose and announce the date of the trial in Nuremberg to take place no less than 30 days after the service of the notice and shall give notice of such date to the accused."

Agreed on suggestion of the Chairman that a special clerk who speaks German fluently should be appointed to consult with the defendants individually concerning the securing of counsel, and their other rights after service of the indictment, and, on suggestion of General Nikitchenko that each member of the Tribunal have the right to appoint a clerk to accompany this special clerk on any occasion deemed desirable.

Agreed that the Committee of Chief Prosecutors be asked to recommend a qualified person as Special Clerk to the Tribunal.

The Committee of Clerks submitted two plans for organization of the secretariat, one proposed by the American and British Clerks, the other by the Soviet Clerk.

H2786-0208

The meeting, on proposal of Mr. Biddle, agreed that

(1) the organizational plan signed by the American and British clerks be accepted by the Tribunal with a single change that the word "clerks" in the title be changed to the word "secretariat" so that the title will read "Organization of the Secretariat".

(2) Mr. H. B.Willey be and hereby is appointed as General Secretary of the Tribunal.

(3) Each of the secretaries of the four parties shall have authority to employ such personnel as he may choose.

(4) The General Secretary be directed by the Tribunal immediately to employ such personnel as he may deem necessary for the functioning of the secretariat.

(5) The three clerks whom you have appointed consult as soon as possible with the Committee of Prosecutors who I am informed are meeting at three this afternoon to obtain from that Committee any suggestions they may have to aid the General Secretary and the other registrars for the prompt setting up of the Secretariat.

On proposal of General Nikitchenko, the meeting agreed that "in case of any disagreement among the clerks, the disagreement should be brought to the attention of the Tribunal."

The Chairman announced that the French and British lists of counsel had been received.

The meeting agreed that the General Secretary should prepare a list of 25 to 50 names of counsel, - from those submitted by the members of the Tribunal excluding members of the organizations named in the indictment.

The meeting recessed at 1:15 P. M. to meet at 2:15 P. M.

H. B. Willey

H2786-0209

A.C.A. Bldg., Room 192

#5

Afternoon Meeting, October 12, 1945
3:00 P.M.

M. Donnedieu de Vabre (Chairman)

All members of the Tribunal and their Alternates were present.

The Chairman announced the agenda: (1) Approval of minutes, (2) organization of the Secretariat, (3) Rules of Procedure.

The minutes of October 11th were read but in view of certain omissions were referred back to the clerks for correction.

It was decided to continue consideration of the Rules before taking up the organization of the Secretariat.

The clerk submitted to the Tribunal on behalf of the Prosecutors proposed rules of procedure and amendments thereto.

It was agreed that final decision on the rules should be deferred until a draft of the rules as agreed on in principle had been studied by all members.

It was agreed that Rule 5 submitted by the prosecution be eliminated.

It was agreed to substitute the word "Secretariat" for the words "General Secretary" throughout the Rules.

A revision of Rule 6, proposed by Mr. Justice Birkett was approved in principle.

Rule 7, as printed, was approved in principle.

The Chairman suggested a rule providing for splitting up the trial according to the counts of the indictment, but the meeting decided that this would be contrary to Article 24 of the Charter.

A revision of Rule 8, suggested by Mr. Biddle, was approved in principle.

It was agreed informally that Rule 9 submitted by the prosecution be eliminated.

Rule 10, as amended to read "These rules shall take effect upon their approval by the Tribunal," was approved in principle.

A consideration of Rules 11 and 12 was postponed since they deal with the Secretariat.

A revision of Rule 13, suggested by Mr. Biddle, was approved in principle.

Rule 14, as printed, was approved in principle with the addition, after the word "documents" in the next to the last line, of the words ", certified by the General Secretary of the Tribunal."

H2786-0210

H2786-0211

The meeting invited the prosecutors to appear for an informal discussion as to the date and time of the formal meeting of the Tribunal to receive the indictment.

The prosecutors arrived and a discussion between the Tribunal and prosecutors took place indicating that texts of the indictment in all languages would be signed by the Chief Prosecutors by Sunday, the 14th, and that corrected texts would be in London, Moscow and Washington and an adequate summary in Paris on that date.

The prosecutors then withdrew.

The meeting:

Agreed that the formal meeting of the Tribunal to receive the indictment should be held at 10:30 Monday, October 15th; that the indictment would be given to the press at that time with the express understanding that there should be no publication of its contents prior to 8:00 o'clock that evening (Greenwich time).

The prosecutors were invited to appear and were informed of the decision of the Tribunal as regards the lodgment and release of the indictment and that the Prosecutors should arrange for notification of the press of the public meeting of the Tribunal.

The meeting:

Agreed that the press should be informed only that a public meeting would be held at 10:30 Monday morning, October 15th.

Agreed to the suggestion of the Prosecutors that in making the motion for orders the Prosecutor should say "I move" without reading the orders or making them public.

Adjourned at 7:15 P.M. until 10:30 tomorrow.

A.C.A. Bldg., Room 192

#4

Meeting

Morning - October 12, 1945, 10:30 A.M.

General Nikitchenko (Chairman)

All members of the Tribunal and their Alternates were present. The Chairman announced the agenda: (1) Rules of procedure, (2) President of the Tribunal, (3) organization of the Secretariat.

Mr. Biddle added the question of the list of counsel and handed in a list. The other Members said they would hand in lists later.

During consideration of the Rules, the clerks arrived and the Members interrogated them with reference to a plan for the Secretariat but in view of the fact that no one plan had been agreed upon the matter was referred back to the clerks for further discussion and report.

The meeting continued its discussion of proposed rules.

Rule 1, as printed, was approved in principle.

Rule 2, with a revision suggested by Mr. Biddle, was approved in principle.

Rule 3 was approved in principle with the addition of the words "and notice given in accordance with Rule 2(b) to those not in custody" following the word "custody" in the last line of the printed rule.

A revision of Rule 4, suggested by Mr. Biddle, was approved in principle.

The ~~Tribunal~~ Meeting decided to request the Chief Prosecutors to present their draft rules by letter before the afternoon session.

(Recess from 12:30 until 3:00 P.M.)

H. B. Milley
A. C. Ellwin

H2786-0212

H2786-0213

#3

INTERNATIONAL MILITARY TRIBUNAL

Minutes of the Morning Meeting of October 11, 1945

Chairman - Lord Justice Lawrence

The meeting

Agreed that when the Secretariat is fully organized the Tribunal should approve the minutes of the previous day at the beginning of each sitting.

Agreed that all of the accused who are in custody shall be brought to Nuremberg as soon as possible.

Agreed that there should be a single President for the whole trial at Nuremberg. The selection of a President was deferred.

Agreed that Mr. Biddle should preside at the afternoon meeting.

Agreed that no member of the Tribunal or their personal staffs or of the staff of the Tribunal should give interviews to the press.

Minutes of the Afternoon Meeting of October 11th

Chairman - Mr. Francis Biddle

Mr. Biddle requested that it be noted in the minutes that the members would undertake to produce at the meeting tomorrow lists of German lawyers, in their respective zones in Germany, who might be available as counsel for the defense.

The meeting

Agreed that General Nikitchenko would preside at tomorrow morning's meeting.

Adjourned at 3:00 P.M. until 10:30 tomorrow.

H2786-0214

INTERNATIONAL MILITARY TRIBUNAL

#2

Minutes of the ~~Morning~~ Meeting of October 10, 1945
at 11:00 a.m.

Chairman - Lord Justice Lawrence

The following named persons were appointed temporary clerks to the Tribunal

Mr. A. C. Elliott -- British

Mr. Vassili Kolomatsky -- Soviet

Mr. Harold B. Willey -- American

The meeting

Agreed that only decisions should be recorded and not discussion and that the minutes of the meetings should be agreed to by the clerks. It was further agreed that if any member wished a particular point noted of record he should say so at the time and the clerks would be directed to make a note of that point.

A committee of the Prosecutors was invited to appear informally to answer the question "Whether the indictment has been signed in three languages -- in Russian, French, and English." Pursuant to this invitation the committee appeared and Mr. Justice Jackson stated that the indictment had not yet been signed in Russian and in French.

(Recess from 12:50 to 1:50)

The meeting

Agreed that the four Prosecutors should meet as soon as the Soviet Prosecutor arrives in Berlin and as soon as copies of the indictment in the three languages are present in Berlin. Thereupon the Prosecutors will dispatch signed copies to the Capitals. The governments at the capitals should then inform the Tribunal that they have received them, whereupon the Tribunal will summon a formal meeting for the reception of the indictment. Having received it, the Tribunal will authorize publication.

H2786-0215

The meeting

Agreed that each member might wear the form of dress he chose when in attendance upon sessions of the Tribunal but the British, French, and American members requested that it be noted of record that they are in favor of wearing robes and express the hope that the Russian members would come to that view.

A note was received from the Press requesting to be informed as to the nature of the business being transacted and in response was advised as follows

> "The Tribunal is continuing the informal meeting which was begun yesterday to discuss procedural and administrative matters."

The meeting

Agreed to request the three clerks already appointed, and the French clerk when he arrives, to prepare and submit for the consideration of the Tribunal, after consulting with the Prosecution staffs, a plan of organization. Such matters to be considered as translation of documents, whether one original text should be used, how documents should be filed, how they should be made available to the press and what division of the work between the several powers could be worked out.

Agreed that a special clerk should be appointed to advise the individual defendants of their rights relative to their defense and requested the clerks to include a provision for carrying out this agreement in their plan of organization.

Mr. Biddle moved that a rule be adopted by the Tribunal which shall fix Monday, October 22nd, 1945, at 12:00 o'clock noon in Nuremberg as the time and place to

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bring the accused before the Tribunal in public in order to give them the opportunity of making such motions to the Tribunal or requesting such aid of the Tribunal as accused and their counsel may deem necessary for their defense.

A vote was taken and Lord Justice Lawrence Monsieur de Vabre and Major General Nikitchenko voted against the proposal and Mr. Biddle voted in favor of the proposal.

The meeting

Agreed that the hours of regular meetings of the Tribunal to discuss administrative and organization matters should be from 10:30 A.M. to 1:00 P.M. and from 2:00 P.M. to 6:00 P.M.

Agreed that the date fixed for the beginning of the trial should be thirty days after notice to the individual defendants.

Agreed on the principle of rotation, among the members, of Chairmen of meetings held for the purpose of discussing administrative matters, a morning or afternoon session to be considered a meeting.

Adjourned at 5:50 P.M. until tomorrow at 10:30 A.M.

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#1

Grand Conference Room
ACA Building, Berlin, Germany

INTERNATIONAL MILITARY TRIBUNAL

Tuesday, October 9, 1945, 5:00 PM

Lord Justice Lawrence Presiding

The first organizational meeting of the International Military Tribunal took place in the Grand Conference Room of the Allied Control Authority Bldg., Berlin, Germany, at 5:00 p.m., with the following present:

The Honorable Francis Biddle, American Member
Judge John J. Parker, American Alternate Member

Lord Justice Jeffrey Lawrence, British Member
Justice Norman Birkett, British Alternate Member

General I. T. Nikitchenko, Soviet Member
Mr. Voshcoff, Soviet Alternate Member

M. Donnedieu deVabres, French Member
M. Robert Falco, French Alternate Member.

The presiding member suggested that the committee of prosecutors be invited to present the indictment the following morning but General Nikitchenko declared this would not be possible until all the prosecutors were present and the Soviet prosecutor had not yet arrived.

The Tribunal then agreed on the following statement, which was read to members of the press during a brief recess:

"The Tribunal has met today in accordance with the Charter and is ready to receive the Indictment and will meet as soon as possible for that purpose when the prosecutors are ready to present it. The Tribunal has agreed to hold an informal meeting today to discuss certain procedural and administrative matters."

Upon reassembling, the presiding member suggested consideration of the following agenda:

1. Dress of members
2. Seating of members and alternates
3. Interpretation of oral evidence
4. Rules of Procedure
5. Registrars and clerks
6. Interlocutory applications by defendants
7. Assignment of counsel
8. Procedure in Berlin city
9. President at Berlin city
10. Statement by President
11. Service of documents upon defendants
12. Notices with reference to criminal organizations
13. Date of trial at Nurenberg
14. Reading of indictment in German in open court.
15. Presidency at trial
16. Press interviews.

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The meeting:

Agreed on General Nikitchenko's suggestion that before matters are considered, the agenda be circulated, translated into the offidal languages indicating not only the topic but also the substance of proposals to be made, and

Agreed on Mr. Biddle's suggestion that each member be free to circulate in the form of an agenda proposals to be considered by the Tribunal and that such agenda be circulated not later than the evening before the meeting at which they were to be considered;

Agreed on Mr. Biddle's suggestion that the less important items on the agenda proposed by the presiding member be considered.

Items 1, 2, 3, and 4 were considered but no conclusions were reached.

The meeting:

Agreed on a suggestion of General Nikitchenko that a provisional secretariat be appointed consisting of one clerk appointed by each member.

The following clerks were appointed:

For the Soviet Union - Mr. Kolomatsky
For the United Kingdom - Mr. A. E. Elliott
For the United States - Mr. Harold B. Willey

The French member stated that he would appoint a clerk later.

The meeting adjourned until 10:30 the next morning.

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MINUTES OF TRIBUNAL MEETINGS

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